

107TH CONGRESS
2D SESSION

S. 2969

To provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2002

Mr. KENNEDY (for himself and Mr. GREGG) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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1 **TITLE I—EDUCATION SCIENCES**

2 **REFORM**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Education Sciences
5 Reform Act of 2002”.

6 **SEC. 102. DEFINITIONS.**

7 In this title:

8 (1) IN GENERAL.—The terms “elementary
9 school”, “secondary school”, “local educational agen-
10 cy”, and “State educational agency” have the mean-
11 ings given those terms in section 9101 of the Ele-
12 mentary and Secondary Education Act of 1965 (20
13 U.S.C. 7801) and the terms “freely associated
14 states” and “outlying area” have the meanings given
15 those terms in section 1121(c) of such Act (20
16 U.S.C. 6331(c)).

17 (2) APPLIED RESEARCH.—The term “applied
18 research” means research—

1 (A) to gain knowledge or understanding
 2 necessary for determining the means by which
 3 a recognized and specific need may be met; and

4 (B) that is specifically directed to the ad-
 5 vancement of practice in the field of education.

6 (3) BASIC RESEARCH.—The term “basic re-
 7 search” means research—

8 (A) to gain fundamental knowledge or un-
 9 derstanding of phenomena and observable facts,
 10 without specific application toward processes or
 11 products; and

12 (B) for the advancement of knowledge in
 13 the field of education.

14 (4) BOARD.—The term “Board” means the Na-
 15 tional Board for Education Sciences established
 16 under section 116.

17 (5) DEPARTMENT.—The term “Department”
 18 means the Department of Education.

19 (6) DEVELOPMENT.—The term “development”
 20 means the systematic use of knowledge or under-
 21 standing gained from the findings of scientifically
 22 valid research and the shaping of that knowledge or
 23 understanding into products or processes that can be
 24 applied and evaluated and may prove useful in areas
 25 such as the preparation of materials and new meth-

1 ods of instruction and practices in teaching, that
 2 lead to the improvement of the academic skills of
 3 students, and that are replicable in different edu-
 4 cational settings.

5 (7) DIRECTOR.—The term “Director” means
 6 the Director of the Institute for Education Sciences.

7 (8) DISSEMINATION.—The term “dissemina-
 8 tion” means the communication and transfer of the
 9 results of scientifically valid research, statistics, and
 10 evaluations, in forms that are understandable, easily
 11 accessible, and usable, or adaptable for use in, the
 12 improvement of educational practice by teachers, ad-
 13 ministrators, librarians, other practitioners, re-
 14 searchers, parents, policymakers, and the public,
 15 through publications, electronic transfer, and other
 16 means.

17 (9) FIELD-INITIATED RESEARCH.—The term
 18 “field-initiated research” means basic research or
 19 applied research in which specific questions and
 20 methods of study are generated by investigators (in-
 21 cluding teachers and other practitioners) and that
 22 conforms to standards of scientifically valid research.

23 (10) HISTORICALLY BLACK COLLEGE OR UNI-
 24 VERSITY.—The term “historically Black college or
 25 university” means a part B institution as defined in

1 section 322 of the Higher Education Act of 1965
2 (20 U.S.C. 1061).

3 (11) INSTITUTE.—The term “Institute” means
4 the Institute for Education Sciences established
5 under section 111.

6 (12) INSTITUTION OF HIGHER EDUCATION.—
7 The term “institution of higher education” has the
8 meaning given that term in section 101(a) of the
9 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

10 (13) NATIONAL RESEARCH AND DEVELOPMENT
11 CENTER.—The term “National Research and Devel-
12 opment Center” means a research and development
13 center supported under section 133(c).

14 (14) SCIENTIFICALLY BASED RESEARCH
15 STANDARDS.—(A) The term “scientifically based re-
16 search standards” means research standards that—

17 (i) apply rigorous, systematic, and objec-
18 tive methodology to obtain reliable and valid
19 knowledge relevant to education activities and
20 programs; and

21 (ii) present findings and make claims that
22 are appropriate to and supported by the meth-
23 ods that have been employed.

24 (B) The term includes, appropriate to the re-
25 search being conducted—

1 (i) employing systematic, empirical meth-
 2 ods that draw on observation or experiment;

3 (ii) involving data analyses that are ade-
 4 quate to support the general findings;

5 (iii) relying on measurements or observa-
 6 tional methods that provide reliable data;

7 (iv) making claims of causal relationships
 8 only in random assignment experiments or
 9 other designs (to the extent such designs sub-
 10 stantially eliminate plausible competing expla-
 11 nations for the obtained results);

12 (v) ensuring that studies and methods are
 13 presented in sufficient detail and clarity to
 14 allow for replication or, at a minimum, to offer
 15 the opportunity to build systematically on the
 16 findings of the research;

17 (vi) obtaining acceptance by a peer-re-
 18 viewed journal or approval by a panel of inde-
 19 pendent experts through a comparably rigorous,
 20 objective, and scientific review; and

21 (vii) using research designs and methods
 22 appropriate to the research question posed.

23 (15) SCIENTIFICALLY VALID EDUCATION EVAL-
 24 UATION.—The term “scientifically valid education
 25 evaluation” means an evaluation that—

1 (A) adheres to the highest possible stand-
 2 ards of quality with respect to research design
 3 and statistical analysis;

4 (B) provides an adequate description of the
 5 programs evaluated and, to the extent possible,
 6 examines the relationship between program im-
 7 plementation and program impacts;

8 (C) provides an analysis of the results
 9 achieved by the program with respect to its pro-
 10 jected effects;

11 (D) employs experimental designs using
 12 random assignment, when feasible, and other
 13 research methodologies that allow for the
 14 strongest possible causal inferences when ran-
 15 dom assignment is not feasible; and

16 (E) may study program implementation
 17 through a combination of scientifically valid and
 18 reliable methods.

19 (16) SCIENTIFICALLY VALID RESEARCH.—The
 20 term “scientifically valid research” includes applied
 21 research and basic research in which the rationale,
 22 design, and interpretation are soundly developed in
 23 accordance with scientifically based research stand-
 24 ards.

1 (17) SECRETARY.—The term “Secretary”
2 means the Secretary of Education.

3 (18) STATE.—The term “State” includes (ex-
4 cept as provided in section 158) each of the 50
5 States, the District of Columbia, the Commonwealth
6 of Puerto Rico, the freely associated states, and the
7 outlying areas.

8 (19) TECHNICAL ASSISTANCE.—The term
9 “technical assistance” means—

10 (A) assistance in identifying, selecting, or
11 designing solutions based on scientifically valid
12 research, including professional development
13 and high quality training to implement solu-
14 tions leading to—

15 (i) improved practices and classroom
16 instruction; and

17 (ii) improved planning, design, and
18 administration of programs;

19 (B) assistance in interpreting, analyzing,
20 and utilizing statistics and evaluations, and

21 (C) other assistance necessary to encour-
22 age the improvement of teaching and learning
23 through the applications of techniques sup-
24 ported by scientifically valid research.

1 **PART A—INSTITUTE FOR EDUCATION**
2 **SCIENCES**

3 **SEC. 111. ESTABLISHMENT.**

4 (a) ESTABLISHMENT.—There shall be in the Depart-
5 ment an Institute for Education Sciences, to be adminis-
6 tered by a Director (as described in section 114) and a
7 board of directors (as described in section 116).

8 (b) MISSION.—

9 (1) IN GENERAL.—The mission of the Institute
10 is to provide national leadership in expanding funda-
11 mental knowledge and understanding of education
12 from early childhood through postsecondary study,
13 in order to provide parents, educators, students, re-
14 searchers, policymakers, and the general public with
15 reliable information about—

16 (A) the condition and progress of edu-
17 cation in the United States;

18 (B) educational practices that support
19 learning and improve academic achievement and
20 educational equity for all students; and

21 (C) the effectiveness of Federal and other
22 education programs.

23 (2) CARRYING OUT MISSION.—In carrying out
24 the mission described in paragraph (1), the Institute
25 shall compile statistics, develop products, and con-

1 duct research, evaluations, and dissemination activi-
 2 ties in areas of demonstrated national need (includ-
 3 ing in technology areas) that are supported by Fed-
 4 eral funds appropriated to the Institute and ensure
 5 that such activities—

6 (A) conform to high standards of quality,
 7 integrity, and accuracy; and

8 (B) are objective, secular, neutral, and
 9 nonideological and are free of partisan political
 10 influence and racial, cultural, gender, or re-
 11 gional bias.

12 (c) ORGANIZATION.—The Institute shall consist of
 13 the following:

14 (1) The Office of the Director (as described in
 15 section 114).

16 (2) The National Board for Education Sciences
 17 (as described in section 116).

18 (3) The Office of Knowledge Utilization (as de-
 19 scribed in section 118).

20 (4) The National Education Centers, which
 21 include—

22 (A) the National Center for Education Re-
 23 search (as described in part B);

24 (B) the National Center for Education
 25 Statistics (as described in part C); and

1 (C) the National Center for Education
2 Evaluation (as described in part D).

3 **SEC. 112. FUNCTIONS.**

4 From funds appropriated under section 191, the In-
5 stitute, directly or through grants, contracts, or coopera-
6 tive agreements, shall—

7 (1) conduct and support scientifically valid re-
8 search activities, including basic research and ap-
9 plied research, statistics activities, scientifically valid
10 education evaluation, development, and dissemina-
11 tion;

12 (2) disseminate the findings and results of sci-
13 entifically valid research in education;

14 (3) promote the use and application of knowl-
15 edge gained from scientifically valid research activi-
16 ties;

17 (4) strengthen the national capacity to conduct
18 scientifically valid research in education; and

19 (5) promote the coordination of scientifically
20 valid research in education within the Department
21 and the Federal Government.

22 **SEC. 113. DELEGATION.**

23 (a) DELEGATION OF AUTHORITY.—Notwithstanding
24 section 412 of the Department of Education Organization
25 Act (20 U.S.C. 3472), the Secretary shall delegate to the

1 Director all functions for carrying out this title (other
2 than administrative and support functions), except that—

3 (1) nothing in this title or in the National As-
4 essment of Educational Progress Authorization Act
5 shall be construed to alter or diminish the role, re-
6 sponsibilities, or authority of the National Assess-
7 ment Governing Board with respect to the National
8 Assessment of Educational Progress from those au-
9 thorized by the National Education Statistics Act of
10 1994 on the day before the date of enactment of this
11 Act;

12 (2) members of the National Assessment Gov-
13 erning Board shall continue to be appointed by the
14 Secretary;

15 (3) section 302(f)(1) of the National Assess-
16 ment of Educational Progress Authorization Act
17 shall apply to the National Assessment Governing
18 Board in the exercise of its responsibilities under
19 this Act;

20 (4) sections 115 and 116 shall not apply to the
21 National Assessment of Educational Progress; and

22 (5) sections 115 and 116 shall not apply to the
23 National Assessment Governing Board.

1 (b) OTHER ACTIVITIES.—The Secretary may assign
 2 the Institute responsibility for administering other activi-
 3 ties, if those activities are consistent with—

4 (1) the Institute’s priorities, as approved by the
 5 National Board for Education Sciences under sec-
 6 tion 115, and the Institute’s mission, as described in
 7 section 111(b); or

8 (2) the Institute’s mission, but only if those ac-
 9 tivities do not divert the Institute’s focus from ac-
 10 tivities that are consistent with its priorities and
 11 mission.

12 **SEC. 114. OFFICE OF THE DIRECTOR.**

13 (a) APPOINTMENT.—Except as provided in sub-
 14 section (b)(2), the President, with the advice and consent
 15 of the Senate, shall appoint the Director of the Institute.

16 (b) TERM.—

17 (1) IN GENERAL.—The Director shall serve for
 18 a term of 6 years, beginning on the date of appoint-
 19 ment of the Director, but may be removed by the
 20 President prior to the expiration of that term.

21 (2) FIRST DIRECTOR.—The President, without
 22 the advice and consent of the Senate, may appoint
 23 the Assistant Secretary for the Office of Educational
 24 Research and Improvement (as such office existed

1 on the day before the date of enactment of this Act)
2 to serve as the first Director of the Institute.

3 (3) SUBSEQUENT DIRECTORS.—The Board may
4 make recommendations to the President with respect
5 to the appointment of a Director under subsection
6 (a), other than a Director appointed under para-
7 graph (2).

8 (c) PAY.—The Director shall receive the rate of basic
9 pay for level III of the Executive Schedule.

10 (d) QUALIFICATIONS.—The Director shall be selected
11 from individuals who are highly qualified authorities in the
12 fields of scientifically valid research, statistics, or evalua-
13 tion in education, as well as management within such
14 areas, and have a demonstrated capacity for sustained
15 productivity and leadership in these areas.

16 (e) ADMINISTRATION.—The Director shall—

17 (1) administer, oversee, and coordinate the ac-
18 tivities carried out under the Institute; and

19 (2) coordinate and approve budgets and oper-
20 ating plans for each of the National Education Cen-
21 ters for submission to the Secretary.

22 (f) DUTIES.—The duties of the Director shall include
23 the following:

24 (1) To propose to the Board priorities for the
25 Institute, in accordance with section 115(a).

1 (2) To ensure the methodology applied in con-
2 ducting research, evaluation, and statistical analysis
3 is consistent with the standards for such activities
4 under this title.

5 (3) To coordinate education research and re-
6 lated activities carried out by the Institute with such
7 research and activities carried out by other agencies
8 within the Department and the Federal Government.

9 (4) To advise the Secretary on research, evalua-
10 tion, and statistics activities relevant to the activities
11 of the Department.

12 (5) To establish necessary procedures for tech-
13 nical and scientific peer review of the activities of
14 the Institute, consistent with section 116(b)(3).

15 (6) To ensure that all participants in research
16 conducted or supported by the Institute are afforded
17 their privacy rights and other relevant protections as
18 research subjects, in accordance with section 183 of
19 this title, section 552a of title 5, United States
20 Code, and sections 444 and 445 of the General Edu-
21 cation Provisions Act (20 U.S.C. 1232g, 1232h).

22 (7) To ensure that activities conducted or sup-
23 ported by the Institute are objective, secular, neu-
24 tral, and nonideological and are free of partisan po-

1 litical influence and racial, cultural, gender, or re-
2 gional bias.

3 (8) To undertake initiatives and programs to
4 increase the participation of researchers and institu-
5 tions that have been historically underutilized in
6 Federal education research activities of the Institute,
7 including historically Black colleges or universities or
8 other institutions of higher education with large
9 numbers of minority students.

10 (9) To coordinate with the Secretary to promote
11 and provide for the coordination of research and de-
12 velopment activities and technical assistance activi-
13 ties between the Institute and regional education
14 laboratories and comprehensive centers.

15 (10) To solicit and consider the recommenda-
16 tions of education stakeholders, in order to ensure
17 that there is broad and regular public and profes-
18 sional input from the educational field in the plan-
19 ning and carrying out of the Institute's activities.

20 (11) To coordinate the dissemination of infor-
21 mation on scientifically valid research.

22 (12) At the discretion of the Director and in
23 consultation with the National Academy of Sciences,
24 to conduct a study to determine—

1 (A) a standard by which States may accu-
2 rately measure the rate at which students drop
3 out of or graduate from secondary schools in
4 the United States (including on-time gradua-
5 tion); and

6 (B) the use of alcohol or illegal narcotics
7 as contributing factors to incidents of school vi-
8 olence committed by students during the reg-
9 ular school day and while participating in other
10 school-related activities.

11 (13) To carry out and support other activities
12 consistent with the priorities and mission of the In-
13 stitute.

14 (g) EXPERT GUIDANCE AND ASSISTANCE.—The Di-
15 rector may establish technical and scientific peer-review
16 groups and scientific program advisory committees for re-
17 search and evaluations that the Director determines are
18 necessary to carry out the requirements of this title. The
19 Director shall appoint such personnel, except that officers
20 and employees of the United States shall comprise no
21 more than one-fourth of the members of any such group
22 or committee and shall not receive additional compensa-
23 tion for their service as members of such a group or com-
24 mittee. The Director shall ensure that reviewers are highly
25 qualified and capable to appraise education research and

1 development projects. The Federal Advisory Committee
2 Act (5 U.S.C. App.) shall not apply to a peer-review group
3 or an advisory committee established under this sub-
4 section.

5 (h) REVIEW.—The Director may, when requested by
6 other officers of the Department or directed by the Sec-
7 retary, review the products and publications of other of-
8 fices of the Department to certify that evidence-based
9 claims about those products and publications are scientif-
10 ically valid.

11 **SEC. 115. PRIORITIES.**

12 (a) PROPOSAL.—The Director shall propose to the
13 Board priorities for the Institute (taking into consider-
14 ation long-term research and development on core issues
15 conducted through the national research and development
16 centers (as defined in section 102)). The Director shall
17 identify topics that may require long-term research and
18 topics that are focused on understanding and solving par-
19 ticular education problems and issues, including those as-
20 sociated with the goals and requirements established in
21 the Elementary and Secondary Education Act of 1965 (20
22 U.S.C. 6301 et seq.) and the Higher Education Act of
23 1965 (20 U.S.C. 1001 et seq.), such as—

24 (1) closing the achievement gap between high-
25 performing and low-performing children, especially

1 achievement gaps between minority and nonminority
2 children and between socio-economically disadvan-
3 tagged children and such children's more advantaged
4 peers; and

5 (2) ensuring—

6 (A) that all children have the ability to ob-
7 tain a high quality education and reach, at a
8 minimum, proficiency on challenging State aca-
9 demic achievement standards and State aca-
10 demic assessments, particularly in mathematics,
11 science, and reading or language arts; and

12 (B) educational access to, and opportuni-
13 ties for, postsecondary education.

14 (b) APPROVAL.—The Board shall approve or dis-
15 approve the priorities for the Institute proposed by the Di-
16 rector, including any necessary revision of those priorities.
17 The Board shall transmit any priorities so approved to
18 the appropriate congressional committees.

19 (c) CONSISTENCY.—The Board shall ensure that pri-
20 orities of the Institute and the National Center for Edu-
21 cation Research and the National Center for Education
22 Evaluation are consistent with the mission of the Insti-
23 tute.

24 (d) PUBLIC AVAILABILITY AND COMMENT.—

1 (1) PRIORITIES.—Before submitting to the
 2 Board proposed priorities for the Institute, the Di-
 3 rector shall make such priorities available to the
 4 public for comment (including by means of the
 5 Internet and through publishing such priorities in
 6 the Federal Register). The Director shall provide to
 7 the Board a copy of each such comment submitted.

8 (2) PLAN.—Upon approval of such priorities,
 9 the Director shall make the Institute’s plan for ad-
 10 dressing such priorities available for public comment
 11 in the same manner as under paragraph (1).

12 **SEC. 116. NATIONAL BOARD FOR EDUCATION SCIENCES.**

13 (a) ESTABLISHMENT.—The Institute shall have a
 14 board of directors, which shall be known as the National
 15 Board for Education Sciences.

16 (b) DUTIES.—The duties of the Board shall be the
 17 following:

18 (1) To advise and collaborate with the Director
 19 on the policies of the Institute.

20 (2) To consider and approve priorities proposed
 21 by the Director under section 115 to guide the work
 22 of the Institute.

23 (3) To review and approve procedures for tech-
 24 nical and scientific peer review of the activities of
 25 the Institute.

1 (4) To advise the Director on the establishment
2 of activities to be supported by the Institute, includ-
3 ing the general areas of research to be carried out
4 by the National Center for Education Research.

5 (5) To present to the Director such rec-
6 ommendations as it may find appropriate for—

7 (A) the strengthening of education re-
8 search; and

9 (B) the funding of the Institute.

10 (6) To advise the Director on the funding of
11 applications for grants, contracts, and cooperative
12 agreements for research, after the completion of peer
13 review.

14 (7) To review and regularly evaluate the work
15 of the Institute, to ensure that scientifically valid re-
16 search, evaluation, and statistical analysis are con-
17 sistent with the standards for such activities under
18 this title.

19 (8) To advise the Director on ensuring that ac-
20 tivities conducted or supported by the Institute are
21 objective, secular, neutral, and nonideological and
22 are free of partisan political influence and racial,
23 cultural, gender, or regional bias.

24 (9) To solicit advice and information from those
25 in the educational field, particularly practitioners

1 and researchers, to recommend to the Director top-
 2 ics that require long-term, sustained, systematic,
 3 programmatic, and integrated research efforts, in-
 4 cluding knowledge utilization and wide dissemination
 5 of research, consistent with the priorities and mis-
 6 sion of the Institute.

7 (10) To advise the Director on opportunities for
 8 the participation in, and the advancement of,
 9 women, minorities, and persons with disabilities in
 10 education research, statistics, and evaluation activi-
 11 ties of the Institute.

12 (11) To recommend to the Director ways to en-
 13 hance strategic partnerships and collaborative efforts
 14 among other Federal and State research agencies.

15 (12) To recommend to the Director individuals
 16 to serve as Commissioners of the National Edu-
 17 cation Centers.

18 (c) COMPOSITION.—

19 (1) VOTING MEMBERS.—The Board shall have
 20 15 voting members appointed by the President, with
 21 the advice and consent of the Senate.

22 (2) ADVICE.—The President shall solicit advice
 23 regarding individuals to serve on the Board from the
 24 National Academy of Sciences, the National Science
 25 Board, and the National Science Advisor.

1 (3) NONVOTING EX OFFICIO MEMBERS.—The
 2 Board shall have the following nonvoting ex officio
 3 members:

4 (A) The Director of the Institute for Edu-
 5 cation Sciences.

6 (B) Each of the Commissioners of the Na-
 7 tional Education Centers.

8 (C) The Director of the National Institute
 9 of Child Health and Human Development.

10 (D) The Director of the Census.

11 (E) The Commissioner of Labor Statistics.

12 (F) The Director of the National Science
 13 Foundation.

14 (4) APPOINTED MEMBERSHIP.—

15 (A) QUALIFICATIONS.—Members ap-
 16 pointed under paragraph (1) shall be highly
 17 qualified to appraise education research, statis-
 18 tics, evaluations, or development, and shall in-
 19 clude the following individuals:

20 (i) Not fewer than 8 researchers in
 21 the field of statistics, evaluation, social
 22 sciences, or hard sciences, which may in-
 23 clude those researchers recommended by
 24 the National Academy of Sciences.

(ii) Individuals who are knowledgeable about the educational needs of the United States, who may include school-based professional educators, parents with experience in promoting parental involvement in education, Chief State School Officers, State postsecondary education executives, presidents of institutions of higher education, local educational agency superintendents, early childhood experts, principals, members of State or local boards of education or Bureau-funded school boards, and individuals from business and industry with experience in promoting private sector involvement in education.

(B) TERMS.—Each member appointed under paragraph (1) shall serve for a term of 4 years, except that—

(i) the terms of the initial members appointed under such paragraph shall (as determined by a random selection process at the time of appointment) be for staggered terms of—

(I) 4 years for each of 5 members;

1 (II) 3 years for each of 5 mem-
2 bers; and

3 (III) 2 years for each of 5 mem-
4 bers; and

5 (ii) no member appointed under such
6 paragraph shall serve for more than 2 con-
7 secutive terms.

8 (C) UNEXPIRED TERMS.—Any member ap-
9 pointed to fill a vacancy occurring before the
10 expiration of the term for which the member's
11 predecessor was appointed shall be appointed
12 only for the remainder of that term.

13 (D) CONFLICT OF INTEREST.—A voting
14 member of the Board shall be considered a spe-
15 cial Government employee for the purposes of
16 the Ethics in Government Act of 1978.

17 (5) CHAIR.—The Board shall elect a chair from
18 among the members of the Board.

19 (6) COMPENSATION.—Members of the Board
20 shall serve without pay for such service. Members of
21 the Board who are officers or employees of the
22 United States may not receive additional pay, allow-
23 ances, or benefits by reason of their service on the
24 Board.

1 (7) TRAVEL EXPENSES.—The members of the
2 Board shall receive travel expenses, including per
3 diem in lieu of subsistence, in accordance with sub-
4 chapter I of chapter 57 of title 5, United States
5 Code.

6 (8) POWERS OF THE BOARD.—

7 (A) EXECUTIVE DIRECTOR.—The Board
8 shall have an Executive Director who shall be
9 appointed by the Board.

10 (B) ADDITIONAL STAFF.—The Board shall
11 utilize such additional staff as may be ap-
12 pointed or assigned by the Executive Director,
13 in consultation with the Chair and the approval
14 of the Director.

15 (C) DETAIL OF PERSONNEL.—The Board
16 may use the services and facilities of any de-
17 partment or agency of the Federal Government.
18 Upon the request of the Board, the head of any
19 Federal department or agency may detail any
20 of the personnel of that department or agency
21 to the Board to assist the Board in carrying out
22 this Act.

23 (D) CONTRACTS.—The Board may enter
24 into contracts or make other arrangements as
25 may be necessary to carry out its functions.

1 (E) INFORMATION.—The Board may, to
 2 the extent otherwise permitted by law, obtain
 3 directly from any executive department or agen-
 4 cy of the Federal Government such information
 5 as the Board determines necessary to carry out
 6 its functions.

7 (9) MEETINGS.—The Board shall meet not less
 8 than 2 times each year. The Board shall hold addi-
 9 tional meetings at the call of the chair or upon the
 10 written request of at least 6 voting members of the
 11 Board.

12 (10) QUORUM.—A majority of the voting mem-
 13 bers of the Board serving at the time of the meeting
 14 shall constitute a quorum.

15 (d) STANDING COMMITTEES.—

16 (1) ESTABLISHMENT.—The Board may estab-
 17 lish standing committees—

18 (A) that will each serve 1 of the National
 19 Education Centers; and

20 (B) to advise, consult with, and make rec-
 21 ommendations to the Director and the Commis-
 22 sioner of the appropriate National Education
 23 Centers.

24 (2) MEMBERSHIP.—A majority of the members
 25 of each standing committee shall be voting members

1 of the Board whose expertise is needed for the func-
2 tioning of the committee. In addition, the member-
3 ship of each standing committee may include, as
4 appropriate—

5 (A) experts and scientists in research, sta-
6 tistics, evaluation, or development who are rec-
7 ognized in their discipline as highly qualified to
8 represent such discipline and who are not mem-
9 bers of the Board, but who may have been rec-
10 ommended by the Commissioner of the appro-
11 priate National Education Center and approved
12 by the Board;

13 (B) ex officio members of the Board; and

14 (C) policymakers and expert practitioners
15 with knowledge of, and experience using, the re-
16 sults of research, evaluation, and statistics who
17 are not members of the Board, but who may
18 have been recommended by the Commissioner
19 of the appropriate National Education Center
20 and approved by the Board.

21 (3) DUTIES.—Each standing committee shall—

22 (A) review and comment, at the discretion
23 of the Board or the standing committee, on any
24 grant, contract, or cooperative agreement en-

1 tered into (or proposed to be entered into) by
2 the applicable National Education Center;

3 (B) prepare for, and submit to, the Board
4 an annual evaluation of the operations of the
5 applicable National Education Center;

6 (C) review and comment on the relevant
7 plan for activities to be undertaken by the ap-
8 plicable National Education Center for each fis-
9 cal year; and

10 (D) report periodically to the Board re-
11 garding the activities of the committee and the
12 applicable National Education Center.

13 (e) ANNUAL REPORT.—The Board shall submit to
14 the Director, the Secretary, and the appropriate congres-
15 sional committees, not later than July 1 of each year, a
16 report that assesses the effectiveness of the Institute in
17 carrying out its priorities and mission, especially as such
18 priorities and mission relate to carrying out scientifically
19 valid research, conducting unbiased evaluations, and col-
20 lecting and reporting accurate education statistics.

21 (f) RECOMMENDATIONS.—The Board shall submit to
22 the Director, the Secretary, and the appropriate congres-
23 sional committees a report that includes any recommenda-
24 tions regarding any actions that may be taken to enhance
25 the ability of the Institute to carry out its priorities and

1 mission. The Board shall submit an interim report not
 2 later than 3 years after the date of enactment of this Act
 3 and a final report not later than 5 years after such date
 4 of enactment.

5 **SEC. 117. COMMISSIONERS OF THE NATIONAL EDUCATION**
 6 **CENTERS.**

7 (a) APPOINTMENT OF COMMISSIONERS.—

8 (1) IN GENERAL.—Except as provided in sub-
 9 section (b), each of the National Education Centers
 10 shall be headed by a Commissioner appointed by the
 11 Director. In appointing Commissioners, the Director
 12 shall seek to promote continuity in leadership of the
 13 National Education Centers and shall consider indi-
 14 viduals recommended by the Board. The Director
 15 may appoint a Commissioner to carry out the func-
 16 tions of a National Education Center without regard
 17 to the provisions of title 5, United States Code, gov-
 18 erning appointments in the competitive service, and
 19 the provisions of chapter 51 and subchapter III of
 20 chapter 53 of such title relating to classification and
 21 General Schedule pay rates.

22 (2) PAY AND QUALIFICATIONS.—Except as pro-
 23 vided in subsection (b), each Commissioner shall—

24 (A) receive the rate of basic pay for level
 25 IV of the Executive Schedule; and

1 (B) be highly qualified in the field of edu-
 2 cation research or evaluation.

3 (3) SERVICE AND REMOVAL.—Except as pro-
 4 vided in subsection (b), each Commissioner shall re-
 5 port to the Director and may be removed by the Di-
 6 rector. A Commissioner shall serve for a period of
 7 not more than 6 years, except that a
 8 Commissioner—

9 (A) may be reappointed by the Director;
 10 and

11 (B) may serve after the expiration of that
 12 Commissioner's term, until a successor has
 13 been appointed, for a period not to exceed one
 14 additional year.

15 (b) APPOINTMENT OF COMMISSIONER FOR EDU-
 16 CATION STATISTICS.—The National Center for Education
 17 Statistics shall be headed by a Commissioner for Edu-
 18 cation Statistics who shall be appointed by the President,
 19 by and with the advice and consent of the Senate, and
 20 who shall—

21 (1) have substantial knowledge of programs as-
 22 sisted by the National Center for Education Statis-
 23 tics;

24 (2) be paid in accordance with section 5315 of
 25 title 5, United States Code; and -

1 (3) serve for a term of 6 years, with the term
2 to expire every sixth June 21, beginning in 2003.

3 **SEC. 118. OFFICE OF KNOWLEDGE UTILIZATION.**

4 (a) ESTABLISHMENT.—There is established within
5 the Institute an Office of Knowledge Utilization.

6 (b) DUTIES.—The Office of Knowledge Utilization
7 shall—

8 (1) disseminate information on scientifically
9 valid research, statistics, and evaluation on
10 education—

11 (A) especially to State educational agencies
12 and local educational agencies;

13 (B) to institutions of higher education; and

14 (C) to the public, the media, voluntary or-
15 ganizations, and other constituencies;

16 (2) manage the National Library of Education
17 described in subsection (f), and other sources of dig-
18 ital information on education research; and

19 (3) make such information accessible in a user-
20 friendly, timely, and efficient manner (including
21 through use of a searchable Internet web-based on-
22 line database) to schools, institutions of higher edu-
23 cation, educators, parents, administrators, policy-
24 makers, researchers, public and private entities, enti-

1 ties responsible for carrying out technical assistance
2 through the Department, and the general public.

3 (c) ADDITIONAL DUTIES.—In carrying out sub-
4 section (b), the Office of Knowledge Utilization shall—

5 (1) ensure that information disseminated under
6 this section is provided in a cost-effective, non-
7 duplicative manner that includes the most current
8 research findings, including through the continu-
9 ation of individual clearinghouses authorized under
10 the Educational Research, Development, Dissemina-
11 tion, and Improvement Act of 1994 (20 U.S.C. 6001
12 et seq.) (as such Act was in effect on the day before
13 the date of enactment of this Act);

14 (2) describe prominently the type of scientific
15 evidence that is used to support the findings that
16 are disseminated;

17 (3) explain clearly the scientifically appropriate
18 and inappropriate uses of—

19 (A) the findings that are disseminated; and

20 (B) the types of evidence used to support
21 those findings; and

22 (4) respond, as appropriate, to inquiries from
23 schools, educators, parents, administrators, policy-
24 makers, researchers, public and private entities, and

1 entities responsible for carrying out technical assist-
 2 ance.

3 (d) CLEARINGHOUSES.—

4 (1) SCHOOL FACILITIES CLEARINGHOUSE.—

5 (A) IN GENERAL.—The Secretary shall
 6 award a grant or contract to an entity, on a
 7 competitive basis, to create and maintain a
 8 clearinghouse that will collect and disseminate
 9 information on effective, best educational prac-
 10 tices and the latest research studies regarding
 11 kindergarten through grade 12 school facilities
 12 planning, design, financing, construction, oper-
 13 ations, and maintenance.

14 (B) DURATION.—The grant or contract
 15 awarded under subparagraph (A) shall be for a
 16 period of 5 years.

17 (C) AUTHORIZATION OF APPROPRIA-
 18 TIONS.—There are authorized to be appro-
 19 priated to carry out this paragraph \$1,500,000
 20 for fiscal year 2003, and such sums as may be
 21 necessary for each of the 5 succeeding fiscal
 22 years.

23 (2) EISENHOWER CLEARINGHOUSE.—The Sec-
 24 retary shall continue grants for the Eisenhower Na-
 25 tional Clearinghouse for Mathematics and Science

1 Education authorized under section 2102(b) of the
2 Elementary and Secondary Education Act of 1965
3 (as such section was in effect on the day before the
4 date of enactment of the No Child Left Behind Act
5 of 2001).

6 (e) CONTINUATION.—The Director shall continue
7 awards for the support of the Educational Resources In-
8 formation Center Clearinghouses (under section 941(f) of
9 the Educational Research, Development, Dissemination,
10 and Improvement Act of 1994 (as such awards were in
11 effect on the day before the date of enactment of this Act))
12 for the duration of those awards, in accordance with the
13 terms and agreements of such awards.

14 (f) NATIONAL LIBRARY OF EDUCATION.—

15 (1) ESTABLISHMENT.—There is established
16 within the Office of Knowledge Utilization a Na-
17 tional Library of Education that shall—

18 (A) be headed by an individual who is
19 highly qualified in library science;

20 (B) collect and archive information;

21 (C) provide a central location within the
22 Federal Government for information about edu-
23 cation;

24 (D) provide comprehensive reference serv-
25 ices on matters related to education to employ-

1 ees of the Department of Education and its
2 contractors and grantees, other Federal employ-
3 ees, and members of the public; and

4 (E) promote greater cooperation and re-
5 source sharing among providers and reposi-
6 tories of education information in the United
7 States.

8 (2) INFORMATION.—The information collected
9 and archived by the National Library of Education
10 shall include—

11 (A) products and publications developed
12 through, or supported by, the Institute; and

13 (B) other relevant and useful education-re-
14 lated research, statistics, and evaluation mate-
15 rials and other information, projects, and publi-
16 cations that are—

17 (i) consistent with—

18 (I) scientifically valid research; or

19 (II) the priorities and mission of
20 the Institute; and

21 (ii) developed by the Department,
22 other Federal agencies, or entities (includ-
23 ing entities supported under the Regional
24 Assistance Act of 2002).

1 **SEC. 119. AGREEMENTS.**

2 The Institute may carry out research projects of com-
3 mon interest with entities such as the National Science
4 Foundation and the National Institute of Child Health
5 and Human Development through agreements that are in
6 accordance with section 430 of the General Education
7 Provisions Act (20 U.S.C. 1231).

8 **SEC. 120. BIENNIAL REPORT.**

9 The Director shall, on a biennial basis, transmit to
10 the President, the Board, and the appropriate congres-
11 sional committees, and make widely available to the public
12 (including by means of the Internet), a report containing
13 the following:

14 (1) A description of the activities carried out by
15 and through the National Education Centers during
16 the prior fiscal years.

17 (2) A summary of each grant, contract, and co-
18 operative agreement in excess of \$100,000 funded
19 through the National Education Centers during the
20 prior fiscal years, including, at a minimum, the
21 amount, duration, recipient, and purpose of the
22 award, which shall be available in a user-friendly
23 electronic database.

24 (3) A description of how the activities of the
25 National Education Centers are consistent with the

1 principles of scientifically valid research and the pri-
 2 orities and mission of the Institute.

3 (4) Such additional comments, recommenda-
 4 tions, and materials as the Director considers appro-
 5 priate.

6 **SEC. 121. COMPETITIVE AWARDS.**

7 Research carried out under this Act through grants,
 8 contracts, or cooperative agreements, at a minimum, shall
 9 be awarded on a competitive basis and, when practicable,
 10 through a process of peer review.

11 **PART B—NATIONAL CENTER FOR**
 12 **EDUCATION RESEARCH**

13 **SEC. 131. ESTABLISHMENT.**

14 (a) ESTABLISHMENT.—There is established in the
 15 Institute a National Center for Education Research (in
 16 this part referred to as the “Research Center”).

17 (b) MISSION.—The mission of the Research Center
 18 is—

19 (1) to sponsor sustained research that will lead
 20 to the accumulation of knowledge and understanding
 21 of education, to—

22 (A) ensure that all children have the ability
 23 to obtain a high quality education;

24 (B) improve student academic achieve-
 25 ment;

1 (C) close the achievement gap between
 2 high-performing and low-performing students
 3 through the improvement of teaching and learn-
 4 ing of reading, writing, mathematics, science,
 5 and other academic subjects; and

6 (D) ensure educational access and oppor-
 7 tunity for postsecondary education;

8 (2) to support the synthesis and, as appro-
 9 priate, the integration of education research;

10 (3) to promote quality and integrity through
 11 the use of accepted practices of scientific inquiry to
 12 obtain knowledge and understanding of the validity
 13 of education theories, practices, or conditions; and

14 (4) to promote scientifically valid research find-
 15 ings that can provide the basis for improving aca-
 16 demic instruction and lifelong learning.

17 **SEC. 132. COMMISSIONER FOR EDUCATION RESEARCH.**

18 The Research Center shall be headed by a Commis-
 19 sioner for Education Research (in this part referred to as
 20 the “Research Commissioner”) who shall have substantial
 21 knowledge of the activities of the Research Center, includ-
 22 ing a high level of expertise in the fields of research and
 23 research management.

24 **SEC. 133. DUTIES.**

25 (a) GENERAL DUTIES.—The Research Center shall—

1 (1) maintain published peer-review standards
2 and standards for the conduct and evaluation of all
3 research and development carried out under the aus-
4 pices of the Research Center in accordance with this
5 part;

6 (2) propose to the Director a research plan
7 that—

8 (A) is consistent with the priorities and
9 mission of the Institute and the mission of the
10 Research Center and includes the activities de-
11 scribed in paragraph (3); and

12 (B) shall be carried out pursuant to para-
13 graph (4) and, as appropriate, be updated and
14 modified;

15 (3) carry out specific, long-term research activi-
16 ties that are consistent with the priorities and mis-
17 sion of the Institute, and are approved by the Direc-
18 tor;

19 (4) implement the plan proposed under para-
20 graph (2) to carry out scientifically valid research
21 that—

22 (A) uses objective and measurable indica-
23 tors, including timelines, that are used to assess
24 the progress and results of such research;

1 (B) meets the procedures for peer review
2 established by the Director under section
3 114(f)(5) and the standards of research de-
4 scribed in section 134; and

5 (C) includes both basic research and ap-
6 plied research, which shall include research con-
7 ducted through field-initiated research and shall
8 include ongoing research initiatives;

9 (5) promote the use of scientifically valid re-
10 search within the Federal Government, including ac-
11 tive participation in interagency research projects
12 described in section 119;

13 (6) ensure that research conducted under the
14 direction of the Research Center is relevant to edu-
15 cation practice and policy;

16 (7) synthesize and disseminate, through the Of-
17 fice of Knowledge Utilization, the findings and re-
18 sults of education research conducted or supported
19 by the Research Center;

20 (8) assist the Director in the preparation of a
21 biennial report, as described in section 120, which
22 shall be made available to the public through such
23 means as the Internet; and

1 (9) carry out research on successful State and
 2 local education reform activities, as approved by the
 3 Director.

4 (b) ELIGIBILITY.—Research carried out under sub-
 5 section (a) through contracts, grants, or cooperative
 6 agreements shall be carried out only by recipients with the
 7 ability and capacity to conduct scientifically valid research.

8 (c) NATIONAL RESEARCH AND DEVELOPMENT CEN-
 9 TERS.—

10 (1) SUPPORT.—In carrying out activities under
 11 subsection (a)(3), the Director, acting through the
 12 Research Commissioner, shall support not more than
 13 15 national research and development centers.

14 (2) DUTIES OF CENTERS.—The national re-
 15 search and development centers shall address areas
 16 of national need.

17 (3) SCOPE.—Support for a national research
 18 and development center shall be for a period of not
 19 more than 5 years, shall be of sufficient size and
 20 scope to be effective, and notwithstanding section
 21 134(b), may be renewed without competition for not
 22 more than 5 additional years if the Director, in con-
 23 sultation with the Research Commissioner and the
 24 Board, determines that the research of the national
 25 research and development center—

1 (A) continues to address priorities of the
2 Institute; and

3 (B) merits renewal (applying the proce-
4 dures and standards established in section
5 134).

6 (4) LIMIT.—No national research and develop-
7 ment center may be supported under this subsection
8 for a period of more than 10 years without submit-
9 ting to a competitive process for the award of the
10 support.

11 (5) CONTINUATION OF AWARDS.—The Director,
12 acting through the Research Commissioner, shall
13 continue awards made to the national research and
14 development centers that are in effect on the day be-
15 fore the date of enactment of this Act in accordance
16 with the terms of those awards and may renew them
17 in accordance with paragraphs (2) and (4).

18 **SEC. 134. STANDARDS FOR CONDUCT AND EVALUATION OF**
19 **RESEARCH.**

20 (a) IN GENERAL.—In carrying out this part, the Di-
21 rector, acting through the Research Commissioner, shall—

22 (1) ensure that all research conducted under
23 the direction of the Research Center follows scientif-
24 ically based research standards;

1 (2) develop such other standards as may be
2 necessary to govern the conduct and evaluation of all
3 research, development, and dissemination activities
4 carried out by the Research Center to assure that
5 such activities meet the highest standards of profes-
6 sional excellence;

7 (3) review the procedures utilized by the Na-
8 tional Institutes of Health, the National Science
9 Foundation, and other Federal departments or agen-
10 cies engaged in research and development, and ac-
11 tively solicit recommendations from research organi-
12 zations and members of the general public in the de-
13 velopment of the standards described in paragraph
14 (2); and

15 (4) ensure that all research complies with Fed-
16 eral guidelines relating to research misconduct.

17 (b) PEER REVIEW.—

18 (1) IN GENERAL.—The Director shall establish
19 a peer review system, involving highly qualified indi-
20 viduals with an in-depth knowledge of the subject to
21 be investigated, for reviewing and evaluating all ap-
22 plications for grants and cooperative agreements
23 that exceed \$100,000, and for evaluating and assess-
24 ing the products developed by all recipients of grants
25 and cooperative agreements under this Act.

1 (2) EVALUATION.—The Director, acting
2 through the Research Commissioner, shall—

3 (A) develop the procedures to be used in
4 evaluating applications for research grants, co-
5 operative agreements, and contracts, and speci-
6 fy the criteria and factors which shall be consid-
7 ered in making such evaluations; and

8 (B) evaluate the performance of each re-
9 cipient of an award of a research grant, con-
10 tract, or cooperative agreement at the conclu-
11 sion of the award.

12 (c) LONG-TERM RESEARCH.—The Director, acting
13 through the Research Commissioner, shall ensure that not
14 less than 50 percent of the funds made available for re-
15 search for each fiscal year shall be used to fund long-term
16 research programs of not less than 5 years, which support
17 the priorities and mission of the Institute and the mission
18 of the Research Center.

19 **PART C—NATIONAL CENTER FOR** 20 **EDUCATION STATISTICS**

21 **SEC. 151. ESTABLISHMENT.**

22 (a) ESTABLISHMENT.—There is established in the
23 Institute a National Center for Education Statistics (in
24 this part referred to as the “Statistics Center”).

1 (b) MISSION.—The mission of the Statistics Center
2 shall be—

3 (1) to collect and analyze education information
4 and statistics in a manner that meets the highest
5 methodological standards;

6 (2) to report education information and statis-
7 tics in a timely manner; and

8 (3) to collect, analyze, and report education in-
9 formation and statistics in a manner that—

10 (A) is objective, secular, neutral, and non-
11 ideological and is free of partisan political influ-
12 ence and racial, cultural, gender, or regional
13 bias; and

14 (B) is relevant and useful to practitioners,
15 researchers, policymakers, and the public.

16 **SEC. 152. COMMISSIONER FOR EDUCATION STATISTICS.**

17 The Statistics Center shall be headed by a Commis-
18 sioner for Education Statistics (in this part referred to
19 as the “Statistics Commissioner”) who shall have substan-
20 tial knowledge of statistical methodologies and activities
21 undertaken by the Statistics Center.

22 **SEC. 153. DUTIES.**

23 (a) GENERAL DUTIES.—The Statistics Center shall
24 collect, report, analyze, and disseminate statistical data re-

1 lated to education in the United States and in other na-
 2 tions, including—

3 (1) collecting, acquiring, compiling (where ap-
 4 appropriate, on a State-by-State basis), and dissemi-
 5 nating full and complete statistics disaggregated by
 6 gender, by each major racial and ethnic group, by
 7 English proficiency status, by students with disabil-
 8 ities as compared to nondisabled students, and by
 9 economically disadvantaged students as compared to
 10 students who are not economically disadvantaged, on
 11 the condition and progress of education, at the pre-
 12 school, elementary, secondary, postsecondary, and
 13 adult levels in the United States, including data
 14 on—

15 (A) State and local education reform ac-
 16 tivities;

17 (B) student achievement in, at a minimum,
 18 the core academic areas of reading, mathe-
 19 matics, and science at all levels of education;

20 (C) secondary school completions, drop-
 21 outs, and adult literacy and reading skills;

22 (D) educational access to, and opportunity
 23 for, postsecondary education, including data on
 24 financial aid to postsecondary students;

25 (E) teaching, including—

1 (i) data on in-service professional de-
 2 velopment, including a comparison of
 3 courses taken in the core academic areas
 4 of reading, mathematics, and science with
 5 courses in non core academic areas; and

6 (ii) the percentage of teachers who are
 7 highly qualified (as such term is defined in
 8 section 9101 of the Elementary and Sec-
 9 ondary Education Act of 1965 (20 U.S.C.
 10 7801)) in each State and, where feasible,
 11 in each local educational agency and
 12 school;

13 (F) instruction, the conditions of the edu-
 14 cation workplace, and the supply of, and de-
 15 mand for, teachers;

16 (G) the incidence, frequency, seriousness,
 17 and nature of violence affecting students, school
 18 personnel, and other individuals participating in
 19 school activities, as well as other indices of
 20 school safety, including information regarding—

21 (i) the relationship between victims
 22 and perpetrators;

23 (ii) demographic characteristics of the
 24 victims and perpetrators; and

1 (iii) the type of weapons used in inci-
2 dents, as classified in the Uniform Crime
3 Reports of the Federal Bureau of Inves-
4 tigation;

5 (H) the financing and management of edu-
6 cation, including data on revenues and expendi-
7 tures;

8 (I) the social and economic status of chil-
9 dren, including their academic achievement;

10 (J) the existence and use of educational
11 technology and access to the Internet in ele-
12 mentary schools and secondary schools;

13 (K) educational access to, and opportunity
14 for, early childhood education;

15 (L) the availability of, and access to, be-
16 fore-school and after-school programs (including
17 such programs during school recesses); and

18 (M) student participation in and comple-
19 tion of secondary and postsecondary vocational
20 and technical education programs by specific
21 program area;

22 (2) conducting and publishing reports on the
23 meaning and significance of the statistics described
24 in paragraph (1);

1 (3) collecting, analyzing, cross-tabulating, and
2 reporting, to the extent feasible, information by gen-
3 der, race, ethnicity, socioeconomic status, limited
4 English proficiency, mobility, disability, and other
5 population characteristics, when such disaggregated
6 information will facilitate educational and policy de-
7 cisionmaking;

8 (4) assisting public and private educational
9 agencies, organizations, and institutions in improv-
10 ing and automating statistical and data collection
11 activities, which may include assisting State edu-
12 cational agencies and local educational agencies with
13 the disaggregation of data;

14 (5) acquiring and disseminating data on edu-
15 cational activities and student achievement (such as
16 the Third International Math and Science Study) in
17 the United States compared with foreign nations;

18 (6) conducting longitudinal and special data
19 collections necessary to report on the condition and
20 progress of education; and

21 (7) assisting the Director in the preparation of
22 a biennial report, as described in section 120, which
23 shall be available to the public through such means
24 as the Internet.

1 (b) TRAINING PROGRAM.—The Statistics Commis-
 2 sioner may establish a program to train employees of pub-
 3 lic and private educational agencies, organizations, and in-
 4 stitutions in the use of standard statistical procedures and
 5 concepts, and may establish a fellowship program to ap-
 6 point such employees as temporary fellows at the Statis-
 7 tics Center, in order to assist the Statistics Center in car-
 8 rying out its duties.

9 **SEC. 154. PERFORMANCE OF DUTIES.**

10 (a) GRANTS, CONTRACTS, AND COOPERATIVE
 11 AGREEMENTS.—In carrying out the duties under this
 12 part, the Statistics Commissioner, may award grants,
 13 enter into contracts and cooperative agreements, and pro-
 14 vide technical assistance.

15 (b) GATHERING INFORMATION.—

16 (1) SAMPLING.—The Statistics Commissioner
 17 may use the statistical method known as sampling
 18 (including random sampling) to carry out this part.

19 (2) SOURCE OF INFORMATION.—The Statistics
 20 Commissioner may, as appropriate, use information
 21 collected—

22 (A) from States, local educational agencies,
 23 public and private schools, preschools, institu-
 24 tions of higher education, vocational and adult
 25 education programs, libraries, administrators,

1 teachers, students, the general public, and other
 2 individuals, organizations, agencies, and institu-
 3 tions (including information collected by States
 4 and local educational agencies for their own
 5 use); and

6 (B) by other offices within the Institute
 7 and by other Federal departments, agencies,
 8 and instrumentalities.

9 (3) COLLECTION.—The Statistics Commissioner
 10 may—

11 (A) enter into interagency agreements for
 12 the collection of statistics;

13 (B) arrange with any agency, organization,
 14 or institution for the collection of statistics; and

15 (C) assign employees of the Statistics Cen-
 16 ter to any such agency, organization, or institu-
 17 tion to assist in such collection.

18 (4) TECHNICAL ASSISTANCE AND COORDINA-
 19 TION.—In order to maximize the effectiveness of De-
 20 partment efforts to serve the educational needs of
 21 children and youth, the Statistics Commissioner
 22 shall—

23 (A) provide technical assistance to the De-
 24 partment offices that gather data for statistical
 25 purposes; and

1 (B) coordinate with other Department of-
2 fices in the collection of data.

3 (c) DURATION.—Notwithstanding any other provi-
4 sion of law, the grants, contracts, and cooperative agree-
5 ments under this section may be awarded, on a competi-
6 tive basis, for a period of not more than 5 years, and may
7 be renewed at the discretion of the Statistics Commis-
8 sioner for an additional period of not more than 5 years.

9 **SEC. 155. REPORTS.**

10 (a) PROCEDURES FOR ISSUANCE OF REPORTS.—The
11 Statistics Commissioner, shall establish procedures, in ac-
12 cordance with section 186, to ensure that the reports
13 issued under this section are relevant, of high quality, use-
14 ful to customers, subject to rigorous peer review, produced
15 in a timely fashion, and free from any partisan political
16 influence.

17 (b) REPORT ON CONDITION AND PROGRESS OF EDU-
18 CATION.—Not later than June 1, 2003, and each June
19 1 thereafter, the Director, acting through the Statistics
20 Commissioner, shall submit to the President and the ap-
21 propriate congressional committees a statistical report on
22 the condition and progress of education in the United
23 States.

24 (c) STATISTICAL REPORTS.—The Statistics Commis-
25 sioner shall—

1 (1) issue regular and, as necessary, special sta-
2 tistical reports on education topics, particularly in
3 the core academic areas of reading, mathematics,
4 and science, consistent with the priorities and the
5 mission of the Statistics Center; and

6 (2) inform the Director prior to the publication
7 of the reports described in paragraph (1).

8 **SEC. 156. DISSEMINATION.**

9 (a) GENERAL REQUESTS.—

10 (1) IN GENERAL.—The Statistics Center may
11 furnish transcripts or copies of tables and other sta-
12 tistical records and make special statistical compila-
13 tions and surveys for State and local officials, public
14 and private organizations, and individuals.

15 (2) COMPILATIONS.—The Statistics Center
16 shall provide State educational agencies, local edu-
17 cational agencies, and institutions of higher edu-
18 cation with opportunities to suggest the establish-
19 ment of particular compilations of statistics, surveys,
20 and analyses that will assist those educational agen-
21 cies.

22 (b) CONGRESSIONAL REQUESTS.—The Statistics
23 Center shall furnish such special statistical compilations
24 and surveys as the relevant congressional committees may
25 request.

1 (c) JOINT STATISTICAL PROJECTS.—The Statistics
 2 Center may engage in joint statistical projects related to
 3 the mission of the Center, or other statistical purposes au-
 4 thorized by law, with nonprofit organizations or agencies,
 5 and the cost of such projects shall be shared equitably as
 6 determined by the Director.

7 (d) FEES.—

8 (1) IN GENERAL.—Statistical compilations and
 9 surveys under this section, other than those carried
 10 out pursuant to subsections (b) and (c), may be
 11 made subject to the payment of the actual or esti-
 12 mated cost of such work.

13 (2) FUNDS RECEIVED.—All funds received in
 14 payment for work or services described in this sub-
 15 section may be used to pay directly the costs of such
 16 work or services, to repay appropriations that ini-
 17 tially bore all or part of such costs, or to refund ex-
 18 cess sums when necessary.

19 (e) ACCESS.—

20 (1) OTHER AGENCIES.—The Statistics Center
 21 shall, consistent with section 183, cooperate with
 22 other Federal agencies having a need for educational
 23 data in providing access to educational data received
 24 by the Statistics Center.

1 (2) INTERESTED PARTIES.—The Statistics Cen-
 2 ter shall, in accordance with such terms and condi-
 3 tions as the Center may prescribe, provide all inter-
 4 ested parties, including public and private agencies,
 5 parents, and other individuals, direct access, in the
 6 most appropriate form (including, where possible,
 7 electronically), to data collected by the Statistics
 8 Center for the purposes of research and acquiring
 9 statistical information.

10 **SEC. 157. COOPERATIVE EDUCATION STATISTICS SYSTEMS.**

11 The Statistics Center may establish 1 or more na-
 12 tional cooperative education statistics systems for the pur-
 13 pose of producing and maintaining, with the cooperation
 14 of the States, comparable and uniform information and
 15 data on early childhood education, elementary and sec-
 16 ondary education, postsecondary education, adult edu-
 17 cation, and libraries, that are useful for policymaking at
 18 the Federal, State, and local levels.

19 **SEC. 158. STATE DEFINED.**

20 In this part, the term “State” means each of the 50
 21 States, the District of Columbia, and the Commonwealth
 22 of Puerto Rico.

1 **PART D—NATIONAL CENTER FOR**
2 **EDUCATION EVALUATION**

3 **SEC. 171. ESTABLISHMENT.**

4 (a) ESTABLISHMENT.—There is established in the
5 Institute a National Center for Education Evaluation (in
6 this part referred to as the “Evaluation Center”).

7 (b) MISSION.—The mission of the Evaluation Center
8 shall be to conduct evaluations of Federal education pro-
9 grams administered by the Secretary (and as time and re-
10 sources allow, other education programs) to determine the
11 impact of such programs (especially on student academic
12 achievement in the core academic areas of reading, mathe-
13 matics, and science, when such achievement or areas are
14 relevant), to support synthesis and wide dissemination of
15 results of evaluation research, and to encourage the use
16 of scientifically valid education evaluation throughout the
17 United States.

18 **SEC. 172. COMMISSIONER FOR EDUCATION EVALUATION.**

19 (a) IN GENERAL.—The Evaluation Center shall be
20 headed by a Commissioner for Education Evaluation (in
21 this part referred to as the “Evaluation Commissioner”)
22 who—

23 (1) shall possess a demonstrated capacity for
24 sustained productivity and leadership in education

1 evaluation, and be technically competent in con-
 2 ducting scientifically valid education evaluations; and

3 (2) shall oversee all evaluation activities of the
 4 Evaluation Center, the establishment of evaluation
 5 methodology, the reporting of findings of evaluations
 6 to the public and appropriate congressional commit-
 7 tees, and other duties essential to carrying out the
 8 mission of the Evaluation Center.

9 (b) GRANTS, CONTRACTS, AND COOPERATIVE
 10 AGREEMENTS.—In carrying out the duties under this
 11 part, the Director, acting through the Evaluation Commis-
 12 sioner, may award grants, enter into contracts and cooper-
 13 ative agreements, and provide technical assistance.

14 **SEC. 173. DUTIES.**

15 (a) EVALUATION.—

16 (1) IN GENERAL.—In carrying out its missions,
 17 the Evaluation Center may—

18 (A) evaluate the impact of Federal edu-
 19 cation programs;

20 (B) support, through grants or contracts,
 21 field-based evaluations of State and local edu-
 22 cation programs;

23 (C) examine evaluations conducted or sup-
 24 ported by others in order to determine the qual-

ity and relevance of the evidence of effectiveness generated by those evaluations;

(D) coordinate the activities of the Evaluation Center with other evaluation activities in the Department;

(E) review and, where feasible, supplement Federal education program evaluations, particularly those by the Department, to determine or enhance the quality and relevance of the evidence generated by those evaluations; and

(F) assist the Director in the preparation of the biennial report, as described in section 120, which shall be made available to the public through such means as the Internet.

(2) ADDITIONAL REQUIREMENTS.—Each evaluation conducted by the Evaluation Center pursuant to paragraph (1) shall—

(A) adhere to the highest possible standards of quality for conducting scientifically valid education evaluation; and

(B) be subject to rigorous peer-review.

(b) ADMINISTRATION OF EVALUATIONS UNDER TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Director, acting through the Evaluation Commissioner, consistent with the mission of

1 the Evaluation Center under section 171(b), shall admin-
 2 ister all operations and contracts associated with evalua-
 3 tions authorized by part E of title I of the Elementary
 4 and Secondary Education Act of 1965 (20 U.S.C. 6491
 5 et seq.) and administered by the Department as of the
 6 date of enactment of this Act.

7 **PART E—GENERAL PROVISIONS**

8 **SEC. 181. INTERAGENCY DATA SOURCES AND FORMATS.**

9 The Secretary, in consultation with the Director,
 10 shall ensure that the Department and the Institute use
 11 common sources of data in standardized formats.

12 **SEC. 182. PROHIBITIONS.**

13 (a) NATIONAL DATABASE.—Nothing in this title may
 14 be construed to authorize the establishment of a nation-
 15 wide database of individually identifiable information on
 16 individuals involved in studies or other collections of data
 17 under this title.

18 (b) FEDERAL GOVERNMENT AND USE OF FEDERAL
 19 FUNDS.—Nothing in this title may be construed to au-
 20 thorize an officer or employee of the Federal Government
 21 to mandate, direct, or control the curriculum, program of
 22 instruction, or allocation of State or local resources of a
 23 State, local educational agency, or school, or to mandate
 24 a State, or any subdivision thereof, to spend any funds
 25 or incur any costs not provided for under this title.

1 (c) ENDORSEMENT OF CURRICULUM.—Notwith-
 2 standing any other provision of Federal law, no funds pro-
 3 vided under this title to the Institute, including any office,
 4 board, committee, or center of the Institute, may be used
 5 by the Institute to endorse, approve, or sanction any cur-
 6 riculum designed to be used in an elementary school or
 7 secondary school.

8 (d) FEDERALLY SPONSORED TESTING.—

9 (1) IN GENERAL.—Subject to paragraph (2), no
 10 funds provided under this title to the Secretary or
 11 to the recipient of any award may be used to de-
 12 velop, pilot test, field test, implement, administer, or
 13 distribute any federally sponsored national test in
 14 reading, mathematics, or any other subject, unless
 15 specifically and explicitly authorized by law.

16 (2) EXCEPTIONS.—Subsection (a) shall not
 17 apply to international comparative assessments de-
 18 veloped under the authority of section 153(a)(5) of
 19 this title or section 404(a)(6) of the National Edu-
 20 cation Statistics Act of 1994 (20 U.S.C. 9003(a)(6))
 21 (as such section was in effect on the day before the
 22 date of enactment of this Act) and administered to
 23 only a representative sample of pupils in the United
 24 States and in foreign nations.

1 **SEC. 183. CONFIDENTIALITY.**

2 (a) IN GENERAL.—All collection, maintenance, use,
3 and dissemination of data by the Institute, including each
4 office, board, committee, and center of the Institute, shall
5 conform with the requirements of section 552a of title 5,
6 United States Code, the confidentiality standards of sub-
7 section (c) of this section, and sections 444 and 445 of
8 the General Education Provisions Act (20 U.S.C. 1232g,
9 1232h).

10 (b) STUDENT INFORMATION.—The Director shall en-
11 sure that all individually identifiable information about
12 students, their academic achievements, their families, and
13 information with respect to individual schools, shall re-
14 main confidential in accordance with section 552a of title
15 5, United States Code, and sections 444 and 445 of the
16 General Education Provisions Act (20 U.S.C. 1232g,
17 1232h).

18 **SEC. 184. AVAILABILITY OF DATA.**

19 Subject to section 183, data collected by the Insti-
20 tute, including any office, board, committee, or center of
21 the Institute, in carrying out the priorities and mission
22 of the Institute, shall be made available to the public, in-
23 cluding through use of the Internet.

24 **SEC. 185. PERFORMANCE MANAGEMENT.**

25 The Director shall ensure that all activities conducted
26 or supported by the Institute or a National Education

1 Center make customer service a priority. The Director
2 shall ensure a high level of customer satisfaction through
3 the following methods:

4 (1) Establishing and improving feedback mech-
5 anisms in order to anticipate customer needs.

6 (2) Disseminating information in a timely fash-
7 ion and in formats that are easily accessible and us-
8 able by researchers, practitioners, and the general
9 public.

10 (3) Utilizing the most modern technology and
11 other methods available, including arrangements to
12 use data collected electronically by States and local
13 educational agencies, to ensure the efficient collec-
14 tion and timely distribution of information, including
15 data and reports.

16 (4) Establishing and measuring performance
17 against a set of indicators for the quality of data
18 collected, analyzed, and reported.

19 (5) Continuously improving management strate-
20 gies and practices.

21 (6) Making information available to the public
22 in an expeditious fashion.

23 **SEC. 186. AUTHORITY TO PUBLISH.**

24 (a) PUBLICATION.—The Director may prepare and
25 publish (including through oral presentation) such re-

1 search, statistics, and evaluation information and reports
 2 from any office, board, committee, and center of the Insti-
 3 tute as needed to carry out the priorities and mission of
 4 the Institute without the approval of the Secretary or any
 5 other office of the Department.

6 (b) PEER REVIEW.—All research, statistics, and eval-
 7 uation reports conducted by, or supported through, the In-
 8 stitute shall be subjected to rigorous peer review before
 9 being published or otherwise made available to the public.

10 (c) ITEMS NOT COVERED.—Nothing in subsection (a)
 11 or (b) shall be construed to apply to—

12 (1) information on current or proposed budgets,
 13 appropriations, or legislation;

14 (2) information prohibited from disclosure by
 15 law or the Constitution, classified national security
 16 information, or information described in section
 17 552(b) of title 5, United States Code; and

18 (3) review by officers of the United States in
 19 order to prevent the unauthorized disclosure of in-
 20 formation described in paragraph (1) or (2).

21 **SEC. 187. VACANCIES.**

22 Any member appointed to fill a vacancy on the Board
 23 occurring before the expiration of the term for which the
 24 member's predecessor was appointed shall be appointed
 25 only for the remainder of that term. A vacancy in an of-

1 fice, board, committee, or center of the Institute shall be
 2 filled in the manner in which the original appointment was
 3 made. This section does not apply to employees appointed
 4 under section 188.

5 **SEC. 188. SCIENTIFIC OR TECHNICAL EMPLOYEES.**

6 (a) APPOINTMENT OF EMPLOYEES.—The Director
 7 may appoint, for terms not to exceed 6 years (without re-
 8 gard to the provisions of title 5, United States Code, gov-
 9 erning appointment in the competitive service) and may
 10 compensate (without regard to the provisions of chapter
 11 51 and subchapter III of chapter 53 of such title relating
 12 to classification and General Schedule pay rates) such sci-
 13 entific or technical employees to carry out the functions
 14 of the Institute or the office, board, committee, or center,
 15 respectively, if—

16 (1) at least 30 days prior to the appointment
 17 of any such employee, public notice is given of the
 18 availability of such position and an opportunity is
 19 provided for qualified individuals to apply and com-
 20 pete for such position;

21 (2) the rate of basic pay for such employees
 22 does not exceed the maximum rate of basic pay pay-
 23 able for positions at GS–15, as determined in ac-
 24 cordance with section 5376 of title 5, United States
 25 Code, except that not more than 5 individuals ap-

1 pointed under this section may be paid at a rate
2 that does not exceed the rate of basic pay for level
3 III of the Executive Schedule;

4 (3) the appointment of such employee is nec-
5 essary (as determined by the Director on the basis
6 of clear and convincing evidence) to provide the In-
7 stitute or the office, board, committee, or center
8 with scientific or technical expertise which could not
9 otherwise be obtained by the Institute or the office,
10 board, committee, or center through the competitive
11 service; and

12 (4) the total number of such employees does not
13 exceed 30 individuals or $\frac{1}{5}$ of the number of full-
14 time, regular scientific or professional employees of
15 the Institute, whichever is greater.

16 (b) REAPPOINTMENT OF EMPLOYEES.—The Director
17 may reappoint employees described in subsection (a) upon
18 presentation of a clear and convincing justification of
19 need, for 1 additional term not to exceed 3 years. All such
20 employees shall work on activities of the Institute or the
21 office, board, committee, or center, and shall not be reas-
22 signed to other duties outside the Institute or the office,
23 board, committee, or center during their term.

1 **SEC. 189. FELLOWSHIPS.**

2 In order to strengthen the national capacity to carry
 3 out high-quality research, evaluation, and statistics related
 4 to education, the Director shall establish and maintain re-
 5 search, evaluation, and statistics on fellowships in institu-
 6 tions of higher education (which may include the establish-
 7 ment of such fellowships in historically Black colleges and
 8 universities and other institutions of higher education with
 9 large numbers of minority students) that support graduate
 10 and postdoctoral study. In establishing the fellowships, the
 11 Director shall ensure that women and minorities are ac-
 12 tively recruited for participation.

13 **SEC. 190. RULEMAKING.**

14 Notwithstanding section 437(d) of the General Edu-
 15 cation Provisions Act (20 U.S.C. 1232(d)), the exemption
 16 for public property, loans, grants, and benefits in section
 17 553(a)(2) of title 5, United States Code, shall apply to
 18 the Institute.

19 **SEC. 191. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) IN GENERAL.—There are authorized to be appro-
 21 priated to administer and carry out this title
 22 \$400,000,000 for fiscal year 2003 and such sums as may
 23 be necessary for each of the 5 succeeding fiscal years, of
 24 which—

25 (1) not less than the amount provided to the
 26 National Center for Education Statistics (as such

1 Center was in existence on the day before the date
 2 of enactment of this Act) for fiscal year 2002 shall
 3 be provided to the National Center for Education
 4 Statistics, as authorized under part C; and

5 (2) the lesser of 2 percent of such funds or
 6 \$1,000,000 shall be made available to carry out sec-
 7 tion 116 (relating to the National Board for Edu-
 8 cation Sciences).

9 (b) AVAILABILITY.—Amounts made available under
 10 this section shall remain available until expended.

11 **TITLE II—REGIONAL EDU-**
 12 **CATIONAL APPLIED RE-**
 13 **SEARCH AND TECHNICAL AS-**
 14 **SISTANCE**

15 **SEC. 201. SHORT TITLE.**

16 This title may be cited as the “Regional Assistance
 17 Act of 2002”.

18 **SEC. 202. DEFINITIONS.**

19 In this title:

20 (1) IN GENERAL.—The terms “local educational
 21 agency” and “State educational agency” have the
 22 meanings given those terms in section 9101 of the
 23 Elementary and Secondary Education Act of 1965
 24 (20 U.S.C. 7801).

1 (2) BUREAU.—The term “Bureau” means the
2 Bureau of Indian Affairs.

3 (3) INSTITUTION OF HIGHER EDUCATION.—The
4 term “institution of higher education” has the
5 meaning given that term in section 101(a) of the
6 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

7 (4) SECRETARY.—The term “Secretary” means
8 the Secretary of Education.

9 **SEC. 203. REGIONAL EDUCATIONAL LABORATORIES FOR**
10 **RESEARCH, DEVELOPMENT, DISSEMINATION,**
11 **AND TECHNICAL ASSISTANCE.**

12 (a) REGIONAL EDUCATIONAL LABORATORIES.—The
13 Director shall enter into contracts with public or private
14 nonprofit entities to establish a networked system of 10
15 regional educational laboratories that serve the needs of
16 each region of the United States in accordance with the
17 provisions of this subsection. The amount of assistance al-
18 located to each laboratory by the Director shall reflect the
19 number of local educational agencies and the number of
20 school-age children within the region served by such lab-
21 oratory, as well as the cost of providing services within
22 the geographic area encompassed by the region.

23 (b) REGIONS.—The regions served by the regional
24 educational laboratories shall be the 10 geographic regions
25 in existence on the day preceding the date of the enact-

1 ment of the Educational Research, Development, Dissemi-
2 nation, and Improvement Act of 1994.

3 (c) DUTIES.—Each regional educational laboratory
4 receiving assistance under this section shall promote the
5 implementation of broad-based systemic school improve-
6 ment strategies and shall have as such laboratory's central
7 mission and primary function to—

8 (1) develop and disseminate educational re-
9 search products and processes to schools, teachers,
10 local educational agencies, State educational agen-
11 cies, librarians, and schools funded by the Bureau,
12 as appropriate, and through such development and
13 dissemination, and provide technical assistance, to
14 help all students meet standards;

15 (2) develop a plan for identifying and serving
16 the needs of the region by conducting a continuing
17 survey of the educational needs, strengths, and
18 weaknesses within the region, including a process of
19 open hearings to solicit the views of schools, teach-
20 ers, administrators, parents, local educational agen-
21 cies, librarians, and State educational agencies with-
22 in the region;

23 (3) provide technical assistance to State and
24 local educational agencies, school boards, schools

1 funded by the Bureau, as appropriate, State boards
2 of education, schools, and librarians;

3 (4) facilitate school restructuring at the indi-
4 vidual school level, including technical assistance for
5 adapting model demonstration grant programs to
6 each school;

7 (5) serve the educational development needs of
8 the region by providing education research in usable
9 forms in order to promote school improvement and
10 academic achievement and to correct educational de-
11 ficiencies;

12 (6) facilitate communication between edu-
13 cational experts, school officials, and teachers, par-
14 ents, and librarians, to enable such individuals to as-
15 sist schools to develop a plan to meet the State edu-
16 cation goals;

17 (7) provide training in—

18 (A) the field of education research and re-
19 lated areas;

20 (B) the use of new educational methods;
21 and

22 (C) the use of information-finding meth-
23 ods, practices, techniques, and products devel-
24 oped in connection with such training for which
25 the regional educational laboratory may support

1 internships and fellowships and provide sti-
2 pends;

3 (8) use applied educational research to assist in
4 solving site-specific problems and to assist in devel-
5 opment activities;

6 (9) conduct applied research projects designed
7 to serve the particular needs of the region only in
8 the event that such quality applied research does not
9 exist as determined by the regional education labora-
10 tory or the Department of Education;

11 (10) collaborate and coordinate services with
12 other technical assistance providers funded by the
13 Department of Education;

14 (11) provide support and technical assistance
15 in—

16 (A) replicating and adapting exemplary
17 and promising practices;

18 (B) the development of high-quality, chal-
19 lenging curriculum frameworks;

20 (C) the development of valid, reliable as-
21 sessments which are linked to State, local, or
22 Bureau-funded content and student perform-
23 ance standards and reflect recent advances in
24 the field of educational assessment;

1 (D) the improvement of professional devel-
 2 opment strategies to assure that all teachers
 3 are prepared to teach a challenging curriculum;

4 (E) expanding and improving the use of
 5 technology in education to improve teaching
 6 and learning;

7 (F) the development of alternatives for re-
 8 structuring school finance systems to promote
 9 greater equity in the distribution of resources;
 10 and

11 (G) the development of alternative admin-
 12 istrative structures which are more conducive to
 13 planning, implementing, and sustaining school
 14 reform and improved educational outcomes; and

15 (12) bring teams of experts together to develop
 16 and implement school improvement plans and strate-
 17 gies.

18 (d) NETWORKING.—In order to improve the effi-
 19 ciency and effectiveness of the regional laboratories, the
 20 governing boards of the regional laboratories shall estab-
 21 lish and maintain a network to—

22 (1) share information about the activities each
 23 laboratory is carrying out;

24 (2) plan joint activities that would meet the
 25 needs of multiple regions;

1 (3) create a strategic plan for the development
2 of activities undertaken by the laboratories to reduce
3 redundancy and increase collaboration and resource-
4 sharing in such activities; and

5 (4) otherwise devise means by which the work
6 of the individual laboratories could serve national, as
7 well as regional, needs.

8 (e) ADDITIONAL DUTIES.—Each regional education
9 laboratory receiving assistance under this subsection shall
10 carry out the following activities:

11 (1) Collaborate with the National Research
12 Centers (referred to in the section as “Centers”) es-
13 tablished under title I of this Act in order to—

14 (A) maximize the use of research con-
15 ducted through the Centers in the work of such
16 laboratory;

17 (B) keep the Centers apprised of the work
18 of the regional educational laboratory in the
19 field; and

20 (C) inform the Centers about additional re-
21 search needs identified in the field.

22 (2) Consult with the State educational agencies
23 and library agencies in the region in developing the
24 plan for serving the region.

1 (3) Develop strategies to utilize schools as crit-
 2 ical components in reforming education and revital-
 3 izing rural communities in the United States.

4 (4) Report and disseminate information on
 5 overcoming the obstacles faced by rural educators
 6 and rural schools.

7 (5) Identify successful educational programs
 8 that have either been developed by such laboratory
 9 in carrying out such laboratory's functions or that
 10 have been developed or used by others within the re-
 11 gion served by the laboratory and make such infor-
 12 mation available to the Secretary and the network of
 13 regional laboratories so that such programs may be
 14 considered for inclusion in the national education
 15 dissemination system.

16 (f) CERTAIN REQUIREMENTS.—In carrying out its
 17 responsibilities, each regional educational laboratory
 18 shall—

19 (1) establish a governing board that—

20 (A) reflects a balanced representation of
 21 the States in the region, as well as the interests
 22 and concerns of regional constituencies, and
 23 that includes teachers and education research-
 24 ers;

25 (B) is the sole entity that—

1 (i) guides and directs the laboratory
2 in carrying out the provisions of this sub-
3 section and satisfying the terms and condi-
4 tions of the contract award;

5 (ii) determines the regional agenda of
6 the laboratory;

7 (iii) engages in an ongoing dialogue
8 with the Director concerning the labora-
9 tory's goals, activities, and priorities; and

10 (iv) determines at the start of the
11 contract period, subject to the require-
12 ments of this section and in consultation
13 with the Director, the mission of the re-
14 gional educational laboratory for the dura-
15 tion of the contract period;

16 (C) ensures that the regional educational
17 laboratory attains and maintains a high level of
18 quality in the laboratory's work and products;

19 (D) establishes standards to ensure that
20 the regional educational laboratory has strong
21 and effective governance, organization, manage-
22 ment, and administration, and employs quali-
23 fied staff;

24 (E) directs the regional educational labora-
25 tory to carry out the laboratory's duties in a

1 manner as will make progress toward achieving
2 the State education goals and reforming schools
3 and educational systems; and

4 (F) conducts a continuing survey of the
5 educational needs, strengths, and weaknesses
6 within the region, including a process of open
7 hearings to solicit the views of schools and
8 teachers.

9 (2) Allocate the regional educational labora-
10 tory's resources to and within each State in a man-
11 ner which reflects the need for assistance, taking
12 into account such factors as the proportion of eco-
13 nomically disadvantaged students, the increased cost
14 burden of service delivery in areas of sparse popu-
15 lations, and any special initiatives being undertaken
16 by State, intermediate, local educational agencies, or
17 Bureau-funded schools, as appropriate, which may
18 require special assistance from the laboratory.

19 (g) EVALUATIONS.—The Director shall provide for
20 independent evaluations of each of the regional edu-
21 cational laboratories in carrying out the duties described
22 in paragraph (1) in the third year that such laboratory
23 receives assistance under this subsection in accordance
24 with the standards developed by the Director and ap-
25 proved by the Board and shall transmit the results of such

1 evaluations to the relevant committees of the Congress,
2 the Board, and the appropriate regional educational lab-
3 oratory board.

4 (h) INVITATION REGARDING COMPETITION FOR
5 AWARDS OF ASSISTANCE.—Prior to awarding a grant or
6 entering into a contract under this section, the Director
7 shall invite applicants, including the regional educational
8 laboratories in existence on the day preceding the date of
9 enactment of this Act, to compete for such award through
10 notice in the Federal Register and in the publication of
11 the Department of Commerce known as the Commerce
12 Business Daily.

13 (i) APPLICATIONS.—

14 (1) SUBMISSION.—Each applicant desiring a
15 contract as a regional educational laboratory shall
16 submit an application at such time, in such manner,
17 and containing such information as the Director
18 may reasonably require.

19 (2) PLAN.—Each application submitted under
20 paragraph (1) shall contain a 5-year plan for car-
21 rying out the activities described in subsection (c)
22 and addresses the needs of all States (and to the ex-
23 tent practicable, of local educational agencies) within
24 the region served on an ongoing basis.

25 (j) AWARDING OF CONTRACTS.—

1 (1) IN GENERAL.—In awarding contracts under
2 this section, the Director shall—

3 (A) enter into contracts for a 5-year pe-
4 riod;

5 (B) ensure that regional educational lab-
6 oratories awarded a contract under this section
7 have strong and effective governance, organiza-
8 tion, management, and administration, and em-
9 ploy qualified staff.

10 (2) COORDINATION.—In order to ensure coordi-
11 nation and prevent unnecessary duplication of activi-
12 ties among the regions, the Director shall—

13 (A) share information about the activities
14 of each regional educational laboratory awarded
15 a contract under this section with each other
16 regional educational laboratories awarded a
17 contract under this section and with the De-
18 partment of Education, including the Director
19 of the Institute for Education Sciences and the
20 National Board for Education Sciences;

21 (B) oversee a strategic plan for ensuring
22 that each regional educational laboratory
23 awarded a contract under this section increases
24 collaboration and resource-sharing in such ac-
25 tivities;

1 (C) where appropriate, ensure that the ac-
2 tivities of each regional educational laboratory
3 awarded a contract under this section also serve
4 national interests; and

5 (D) ensure that each regional educational
6 laboratory awarded a contract under this sec-
7 tion coordinates such laboratory's activities with
8 the activities of each other regional technical
9 assistance providers.

10 (3) OUTREACH.—In conducting competitions
11 for contracts under this section, the Director shall—

12 (A) actively encourage regional educational
13 laboratories to compete for such awards by
14 making widely available information and tech-
15 nical assistance relating to the competition; and

16 (B) seek input from the chief executive of-
17 ficers of States, chief State school officers, edu-
18 cators, and parents regarding the need for ap-
19 plied research, dissemination, training, technical
20 assistance, and development activities author-
21 ized by this title in the regions to be served by
22 the regional educational laboratories and how
23 those educational needs could be addressed
24 most effectively.

1 (4) OBJECTIVES AND INDICATORS.—Before en-
 2 tering into a contract under this section, the Direc-
 3 tor shall design specific objectives and measurable
 4 indicators to be used to assess the particular pro-
 5 grams or initiatives, and ongoing progress and per-
 6 formance, of the regional educational laboratories, in
 7 order to ensure that the educational needs of the re-
 8 gion are being met and that the latest and best re-
 9 search and proven practices are being carried out as
 10 part of school improvement efforts.

11 (k) ACTIVITIES OF THE REGIONAL EDUCATIONAL
 12 LABORATORIES.—

13 (1) ASSESSMENT.—A regional educational lab-
 14 oratory shall conduct a biannual needs assessment of
 15 the region.

16 (2) REGIONAL SUPPORT ACTIVITIES.—A re-
 17 gional educational laboratory support applied re-
 18 search, development, dissemination, and technical
 19 assistance activities by—

20 (A) providing training and technical assist-
 21 ance to State departments of education and
 22 school districts regarding, at a minimum—

23 (i) the administration and implemen-
 24 tation of programs under the No Child

1 Left Behind Act of 2001 (Public Law
2 107–110);

3 (ii) scientifically valid research in edu-
4 cation on teaching methods and assess-
5 ment tools for use by teachers and admin-
6 istrators in, at a minimum—

7 (I) the core academic subjects of
8 mathematics, science, and reading;

9 (II) English language acquisition;
10 and

11 (III) education technology; and

12 (iii) the facilitation of communication
13 between education experts, school officials,
14 teachers, parents, and librarians, as appro-
15 priate;

16 (B) disseminating and providing scientif-
17 ically valid research, information, reports, and
18 publications that are usable for improving aca-
19 demic achievement, narrowing achievement
20 gaps, and encouraging and sustaining school
21 improvement, to—

22 (i) schools, educators, parents, and
23 policymakers within the region in which
24 the regional educational laboratory is lo-
25 cated; and

1 (ii) the Office of Educational Re-
2 sources and Dissemination;

3 (C) carrying out applied research projects
4 that are designed to serve the particular edu-
5 cational needs in prekindergarten through
6 grade 16 of the region in which the regional
7 educational laboratory is located, that reflect
8 findings from scientifically valid research, and
9 that result in user-friendly, replicable classroom
10 applications geared toward promoting increased
11 student achievement; and

12 (D) supporting development activities and
13 contributing to the current base of education
14 knowledge by addressing enduring problems in
15 elementary and secondary education and access
16 to postsecondary education.

17 (2) COORDINATION AND COLLABORATION.—

18 Each regional educational laboratory awarded a con-
19 tract under this section shall coordinate its activi-
20 ties, collaborate, and regularly exchange information
21 with the Secretary, the Director of the Institute for
22 Education Sciences, the Office of Educational Re-
23 sources and Dissemination, and other appropriate
24 entities (including educational service agencies, as

1 defined in section 9101 of the Elementary and Sec-
2 ondary Education Act of 1965 (20 U.S.C. 7801)).

3 (l) RULE OF CONSTRUCTION.—No regional edu-
4 cational laboratory receiving assistance under this sub-
5 section shall, by reason of the receipt of that assistance,
6 be ineligible to receive any other assistance from the De-
7 partment of Education as authorized by law or be prohib-
8 ited from engaging in activities involving international
9 projects or endeavors.

10 (m) ADVANCE PAYMENT SYSTEM.—Each regional
11 educational laboratory shall participate in the advance
12 payment system at the Department of Education.

13 (n) ADDITIONAL PROJECTS.—In addition to activities
14 described in paragraph (3), the Director, from amounts
15 appropriated pursuant to subsection (h), is authorized to
16 enter into agreements with a regional educational labora-
17 tory for the purpose of carrying out additional projects
18 to enable such regional educational laboratory to assist in
19 efforts to achieve the State education goals and for other
20 purposes.

21 (o) PLAN.—Not later than July 1 of each year, each
22 regional educational laboratory shall submit to the Direc-
23 tor a plan covering the succeeding fiscal year, in which
24 such laboratory's mission, activities, and scope of work are
25 described, including a general description of—

1 (1) the plans such laboratory expects to submit
 2 in the remaining years of such laboratory's contract;
 3 and

4 (2) an assessment of how well such laboratory
 5 is meeting the needs of the region.

6 (p) CONSTRUCTION.—Nothing in this subsection
 7 shall be construed to require any modifications in the re-
 8 gional educational laboratory contracts in effect on the
 9 day preceding the date of enactment of this title.

10 **SEC. 204. COMPREHENSIVE CENTERS.**

11 (a) AUTHORIZATION.—The Secretary is authorized to
 12 award not less than 20 grants to local entities with dem-
 13 onstrated expertise in providing technical assistance and
 14 professional development to establish comprehensive cen-
 15 ters.

16 (b) SCOPE OF WORK.—Each comprehensive center
 17 established under this section shall work with local edu-
 18 cational agencies and schools in the region that takes into
 19 account factors such as the proportion of economically dis-
 20 advantaged students in the States, and gives priority to—

21 (1) schools in the States with high percentages
 22 or numbers of students from low-income families, as
 23 determined under section 1113(a)(5) of the Elemen-
 24 tary and Secondary Education Act of 1965 (20
 25 U.S.C. 6313(a)(5)), including such schools in rural

1 and urban areas, and schools receiving assistance
 2 under title I of that Act (20 U.S.C. 6301 et seq.);

3 (2) local educational agencies in the States in
 4 which high percentages or numbers of school-age
 5 children are from low-income families, as determined
 6 under section 1124(c)(1)(A) of the Elementary and
 7 Secondary Education Act of 1965 (20 U.S.C.
 8 6333(c)(1)(A)), including such local educational
 9 agencies in rural and urban areas; and

10 (3) schools in the States that have been identi-
 11 fied for school improvement under section 1116(b)
 12 of the Elementary and Secondary Education Act of
 13 1965 (20 U.S.C. 6316(b)).

14 (c) ACTIVITIES.—

15 (1) IN GENERAL.—A comprehensive center es-
 16 tablished under this section shall support dissemina-
 17 tion and technical assistance activities by—

18 (A) providing training and technical assist-
 19 ance regarding, at a minimum—

20 (i) the administration and implemen-
 21 tation of programs under the Elementary
 22 and Secondary Education Act of 1965 (20
 23 U.S.C. 6301 et seq.);

24 (ii) the use of scientifically valid
 25 teaching methods and assessment tools for

1 use by teachers and administrators in, at
 2 a minimum—

3 (I) the core academic subjects of
 4 mathematics, science, and reading or
 5 language arts;

6 (II) English language acquisition;
 7 and

8 (III) education technology; and

9 (iii) the facilitation of communication
 10 between education experts, school officials,
 11 teachers, parents, and librarians, as appro-
 12 priate; and

13 (B) disseminating and providing informa-
 14 tion, reports, and publications that are usable
 15 for improving academic achievement, narrowing
 16 achievement gaps, and encouraging and sus-
 17 taining school improvement, to schools, edu-
 18 cators, parents, and policymakers within the re-
 19 gion in which the center is located.

20 (2) COORDINATION AND COLLABORATION.—

21 Each comprehensive center established under this
 22 section shall coordinate its activities, collaborate,
 23 and regularly exchange information with the regional
 24 educational laboratory in the region in which the

1 center is located, the Office of Knowledge Utilization
 2 and the Office of the Secretary.

3 (d) COMPREHENSIVE CENTER BOARD.—

4 (1) ESTABLISHMENT.—Each comprehensive
 5 center established under this section shall have a
 6 board that shall establish the priorities of such cen-
 7 ter.

8 (2) DUTIES.—Each board established under
 9 paragraph (1) shall ensure that the comprehensive
 10 center—

11 (A) addresses school improvement through-
 12 out the region where the comprehensive center
 13 is located;

14 (B) targets high need school districts; and

15 (C) collaborates with other State service
 16 agencies and technical assistance providers.

17 (3) COMPOSITION.—

18 (A) IN GENERAL.—Each board shall be
 19 composed of—

20 (i) the chief State school officers, or
 21 such officers' designees or other State offi-
 22 cials, in each State served by the com-
 23 prehensive center who has primary respon-
 24 sibility under State law for elementary and
 25 secondary education in the State; and

1 (ii) not more than 15 other members
2 who are representative of the educational
3 interests in the region served by the com-
4 prehensive center and is selected jointly by
5 the officials specified in clause (i) and the
6 chief executive officer of each State served
7 by the comprehensive center, including the
8 following:

9 (I) Representatives of local edu-
10 cational agencies, including represent-
11 atives of local educational agencies
12 serving urban and rural areas.

13 (II) Representatives of institu-
14 tions of higher education.

15 (III) Parents.

16 (IV) Practicing educators, includ-
17 ing classroom teachers, principals,
18 and administrators.

19 (V) Representatives of business.

20 (VI) Policymakers, expert practi-
21 tioners, and researchers with knowl-
22 edge of, and experience using, the re-
23 sults of research, evaluation, and sta-
24 tistics.

1 (B) SPECIAL RULE.—In the case of a
 2 State in which the chief executive officer has
 3 the primary responsibility under State law for
 4 elementary and secondary education in the
 5 State, the chief executive officer shall consult
 6 with the State educational agency in selecting
 7 additional members of the board under sub-
 8 paragraph (A)(i).

9 **SEC. 205. PRIORITIES AND EVALUATIONS.**

10 (a) PRIORITIES.—The Secretary may establish prior-
 11 ities for the comprehensive centers and the regional lab-
 12 oratories to address. The priorities shall directly cor-
 13 respond with the educational needs of the region.

14 (b) STANDARDS.—The Secretary shall establish
 15 standards, consistent with those established under section
 16 134(a) of the Education Sciences Reform Act of 2002, for
 17 the conduct of research and development and the dissemi-
 18 nation of scientifically based research by the regional enti-
 19 ties.

20 (c) EVALUATIONS.—The Secretary shall provide for
 21 ongoing independent evaluations of the comprehensive
 22 centers and regional laboratories receiving assistance
 23 under this title, the results of which shall be transmitted
 24 to the appropriate congressional committees and the Di-
 25 rector of the Institute for Education Sciences. Such eval-

uations shall include an analysis of the services provided under this title, the extent to which each of the regional educational laboratories meets the objectives of its respective plan, and whether such services meet the educational needs of State educational agencies, local educational agencies, and schools in the region.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title \$189,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years.

(b) LIMITATION.—Not more than 5 percent of the funds appropriated under subsection (a) for a fiscal year may be used to conduct the evaluations required under section 205(c).

TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

SEC. 301. SHORT TITLE.

This title may be referred to as the “National Assessment of Educational Progress Authorization Act”.

SEC. 302. DEFINITIONS.

In this title:

(1) The term “Director” means the Director of the Institute for Education Sciences.

1 (2) The term “State” means each of the 50
2 States, the District of Columbia, and the Common-
3 wealth of Puerto Rico.

4 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—There are authorized to be
6 appropriated—

7 (1) for fiscal year 2003—

8 (A) \$4,600,000 to carry out section 302,
9 as amended by section 401 of this Act (relating
10 to the National Assessment Governing Board);
11 and

12 (B) \$107,500,000 to carry out section 303,
13 as amended by section 401 of this Act (relating
14 to the National Assessment of Educational
15 Progress); and

16 (2) such sums as may be necessary for each of
17 the 5 succeeding fiscal years to carry out sections
18 302 and 303, as amended by section 401 of this Act.

19 (b) AVAILABILITY.—Amounts made available under
20 this section shall remain available until expended.

TITLE IV—AMENDATORY PROVISIONS

SEC. 401. REDESIGNATIONS.

(a) CONFIDENTIALITY.—Section 408 of the National Education Statistics Act of 1994 (20 U.S.C. 9007) is amended—

(1) by striking “center”, “Center”, and “Commissioner” each place any such term appears and inserting “Director”;

(2) in subsection (a)(2)(A), by striking “statistical purpose” and inserting “research, statistics, or evaluation purpose under this title”;

(3) by striking subsection (b)(1) and inserting the following:

“(1) IN GENERAL.—

“(A) DISCLOSURE.—No Federal department, bureau, agency, officer, or employee and no recipient of a Federal grant, contract, or cooperative agreement may, for any reason, require the Director, any Commissioner of a National Education Center, or any other employee of the Institute to disclose individually identifiable information that has been collected or retained under this title.

1 “(B) IMMUNITY.—Individually identifiable
 2 information collected or retained under this title
 3 shall be immune from legal process and shall
 4 not, without the consent of the individual con-
 5 cerned, be admitted as evidence or used for any
 6 purpose in any action, suit, or other judicial or
 7 administrative proceeding.

8 “(C) APPLICATION.—This paragraph does
 9 not apply to requests for individually identifi-
 10 able information submitted by or on behalf of
 11 the individual identified in the information.”;

12 (4) in paragraphs (2) and (6) of subsection (b),
 13 by striking “subsection (a)(2)” each place such term
 14 appears and inserting “subsection (c)(2)”;

15 (5) in paragraphs (3) and (7) of subsection (b),
 16 by striking “Center’s” each place such term appears
 17 and inserting “Director’s”; and

18 (6) by striking the section heading and trans-
 19 ferring all the subsections (including subsections (a)
 20 through (c)) and redesignating such subsections as
 21 subsections (c) through (e), respectively, at the end
 22 of section 183 of this Act.

23 (b) CONFORMING AMENDMENT.—Sections 302 and
 24 303 of this Act are redesignated as sections 304 and 305,
 25 respectively.

1 (c) NATIONAL ASSESSMENT GOVERNING BOARD.—

2 Section 412 of the National Education Statistics Act of
3 1994 (20 U.S.C. 9011) is amended—

4 (1) in subsection (a)—

5 (A) by striking “referred to as the
6 ‘Board’ ” and inserting “referred to as the ‘As-
7 sessment Board’ ”; and

8 (B) by inserting “(carried out under sec-
9 tion 303)” after “for the National Assessment”;

10 (2) by striking “Board” each place such term
11 appears (other than in subsection (a)) and inserting
12 “Assessment Board”;

13 (3) by striking “Commissioner” each place such
14 term appears and inserting “Commissioner for Edu-
15 cation Statistics”;

16 (4) in subsection (b)(2)—

17 (A) by striking “ASSISTANT SECRETARY
18 FOR EDUCATIONAL RESEARCH” in the heading
19 and inserting “DIRECTOR OF THE INSTITUTE
20 FOR EDUCATION SCIENCES”; and

21 (B) by striking “Assistant Secretary for
22 Educational Research and Improvement” and
23 inserting “Director of the Institute for Edu-
24 cation Sciences”;

25 (5) in subsection (e)—

1 (A) in paragraph (1)—

2 (i) in subparagraph (A), by striking
3 “section 411(b)” and inserting “section
4 303(b)”;

5 (ii) in subparagraph (B), by striking
6 “section 411(e)” and inserting “section
7 303(e)”;

8 (iii) in subparagraph (E), by striking
9 “, including the Advisory Council estab-
10 lished under section 407”;

11 (iv) in subparagraphs (F) and (I), by
12 striking “section 411” each place such
13 term appears and inserting “section 303”;

14 (v) in subparagraph (H), by striking
15 “and” after the semicolon;

16 (vi) in subparagraph (I), by striking
17 the period at the end and inserting “;
18 and”; and

19 (vii) by inserting at the end the fol-
20 lowing:

21 “(J) release data pertaining to the Na-
22 tional Assessment of Educational Progress.”;

23 (B) in paragraph (5), by striking “and the
24 Advisory Council on Education Statistics”; and

1 (C) in paragraph (6), by striking “section
 2 411(e)” and inserting “section 303(e)”; and
 3 (6) by transferring and redesignating the sec-
 4 tion as section 302 (following section 301) of title
 5 III of this Act.

6 (d) NATIONAL ASSESSMENT OF EDUCATIONAL
 7 PROGRESS.—Section 411 of the National Education Sta-
 8 tistics Act of 1994 (20 U.S.C. 9010) is amended—

9 (1) by striking “Commissioner” each place such
 10 term appears and inserting “Commissioner for Edu-
 11 cation Statistics”;

12 (2) by striking “National Assessment Governing
 13 Board” and “National Board” each place either
 14 such term appears and inserting “Assessment
 15 Board”;

16 (3) in subsection (a)—

17 (A) by striking “section 412” and insert-
 18 ing “section 302”;

19 (B) by striking “and with the technical as-
 20 sistance of the Advisory Council established
 21 under section 407,”; and

22 (C) by inserting “(awarded by the Direc-
 23 tor, acting through the Commissioner for Edu-
 24 cation Statistics)” after “cooperative agree-
 25 ments”;

1 (4) in subsection (b)—

2 (A) in paragraph (1), by inserting “of”
3 after “academic achievement and reporting”;

4 (B) in paragraph (3)(A)—

5 (i) in clause (i), by striking “para-
6 graphs (1)(B) and (1)(E)” and inserting
7 “paragraphs (2)(B) and (2)(E)”;

8 (ii) in clause (ii), by striking “para-
9 graph (1)(C)” and inserting “paragraph
10 (2)(C)”;

11 (iii) in clause (iii), by striking “para-
12 graph (1)(D)” and inserting “paragraph
13 (2)(D)”;

14 (C) in paragraph (5), by striking “(c)(2)”
15 and inserting “(c)(3)”;

16 (5) in subsection (c)(2)(D), by striking “sub-
17 paragraph (B)” and inserting “subparagraph (C)”;

18 (6) in subsection (e)(4), by striking “subpara-
19 graph (2)(C)” and inserting “paragraph (2)(C) of
20 such subsection”;

21 (7) in subsection (f)(1)(B)(iv), by striking “sec-
22 tion 412(e)(4)” and inserting “section 302(e)(4)”;
23 and

1 (8) by transferring and redesignating the sec-
 2 tion as section 303 (following section 302) of title
 3 III of this Act.

4 (e) TABLE OF CONTENTS AMENDMENT.—The items
 5 relating to title III in the table of contents of this Act,
 6 as amended by section 401 of this Act, are amended to
 7 read as follows:

“TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL
 PROGRESS

“Sec. 301. Short title.

“Sec. 302. National Assessment Governing Board.

“Sec. 303. National Assessment of Educational Progress.

“Sec. 304. Definitions.

“Sec. 305. Authorization of appropriations.”.

8 **SEC. 402. AMENDMENTS TO DEPARTMENT OF EDUCATION**
 9 **ORGANIZATION ACT.**

10 The Department of Education Organization Act (20
 11 U.S.C. 3401 et seq.) is amended—

12 (1) by striking section 202(b)(4) and inserting
 13 the following:

14 “(4) There shall be in the Department a Director of
 15 the Institute for Education Sciences who shall be ap-
 16 pointed in accordance with section 114(a) of the Edu-
 17 cation Sciences Reform Act of 2002 and perform the du-
 18 ties described in that Act.”;

19 (2) by striking section 208 and inserting the
 20 following:

1 “INSTITUTE FOR EDUCATION SCIENCES

2 “SEC. 208. There shall be in the Department of Edu-
 3 cation an Institute for Education Sciences, which shall be
 4 administered in accordance with the Education Sciences
 5 Reform Act of 2002 by the Director appointed under sec-
 6 tion 114(a) of that Act.”; and

7 (3) by striking the item relating to section 208
 8 in the table of contents in section 1 and inserting
 9 the following:

“Sec. 208. Institute for Education Sciences.”.

10 **SEC. 403. REPEALS.**

11 The following provisions of law are repealed:

12 (1) The National Education Statistics Act of
 13 1994 (20 U.S.C. 9001 et seq.).

14 (2) Parts A through E and K through N of the
 15 Educational Research, Development, Dissemination,
 16 and Improvement Act of 1994 (title IX of the Goals
 17 2000: Educate America Act) (20 U.S.C. 6001 et
 18 seq.).

19 (3) Section 401(b)(2) of the Department of
 20 Education Organization Act (20 U.S.C. 3461(b)(2)).

21 **SEC. 404. CONFORMING AND TECHNICAL AMENDMENTS.**

22 (a) GOALS 2000: EDUCATE AMERICA ACT.—The
 23 table of contents in section 1(b) of the Goals 2000: Edu-
 24 cate America Act (20 U.S.C. 5801 note) is amended by
 25 striking the items relating to parts A through E of title

1 IX (including the items relating to sections within those
2 parts).

3 (b) TITLE 5, UNITED STATES CODE.—Section 5315
4 of title 5, United States Code, is amended by striking the
5 following:

6 “Commissioner, National Center for Education Sta-
7 tistics.”.

8 (c) GENERAL EDUCATION PROVISIONS ACT.—Sec-
9 tion 447(b) of the General Education Provisions Act (20
10 U.S.C. 1232j(b)) is amended by striking “section
11 404(a)(6) of the National Education Statistics Act of
12 1994 (20 U.S.C. 9003(a)(6))” and inserting “section
13 153(a)(5) of the Education Sciences Reform Act of 2002”.

14 (d) ELEMENTARY AND SECONDARY EDUCATION ACT
15 OF 1965.—The Elementary and Secondary Education Act
16 of 1965 (20 U.S.C. 6301 et seq.) is amended as follows:

17 (1) Section 1111(c)(2) is amended by striking
18 “section 411(b)(2) of the National Education Statis-
19 tics Act of 1994” and inserting “section 303(b)(2)
20 of the National Assessment of Educational Progress
21 Authorization Act”.

22 (2) Section 1112(b)(1)(F) is amended by strik-
23 ing “section 411(b)(2) of the National Education
24 Statistics Act of 1994” and inserting “section

1 303(b)(2) of the National Assessment of Edu-
2 cational Progress Authorization Act”.

3 (3) Section 1117(a)(3) is amended—

4 (A) by inserting “(as such section existed
5 on the day before the date of enactment of the
6 Education Sciences Reform Act of 2002)” after
7 “Act of 1994”; and

8 (B) by inserting “regional educational lab-
9 oratories and comprehensive centers established
10 under the Regional Assistance Act of 2002
11 and” after “assistance from”.

12 (4) Section 1501(a)(3) is amended by striking
13 “section 411 of the National Education Statistics
14 Act of 1994” and inserting “section 303 of the Na-
15 tional Assessment of Educational Progress Author-
16 ization Act”.

17 (5) The following provisions are each amended
18 by striking “Office of Educational Research and Im-
19 provement” and inserting “Institute for Education
20 Sciences”:

21 (A) Section 3222(a) (20 U.S.C. 6932(a)).

22 (B) Section 3303(1) (20 U.S.C. 7013(1)).

23 (C) Section 5464(e)(1) (20 U.S.C.
24 7253c(e)(1)).

1 (D) Paragraphs (1) and (2) of section
2 5615(d) (20 U.S.C. 7283d(d)).

3 (E) Paragraphs (1) and (2) of section
4 7131(c) (20 U.S.C. 7451(c)).

5 (6) Paragraphs (1) and (2) of section 5464(e)
6 (20 U.S.C. 7253c(e)) are each amended by striking
7 “such Office” and inserting “such Institute”.

8 (7) Section 5613 (20 U.S.C. 7283b) is
9 amended—

10 (A) in subsection (a)(5), by striking “As-
11 sistant Secretary of the Office of Educational
12 Research and Improvement” and inserting “Di-
13 rector of the Institute for Education Sciences”;
14 and

15 (B) in subsection (b)(2)(B), by striking
16 “research institutes of the Office of Educational
17 Research and Improvement” and inserting
18 “National Education Centers of the Institute
19 for Education Sciences”.

20 (8) Sections 5615(d)(1) and 7131(c)(1) (20
21 U.S.C. 7283d(d)(1), 7451(c)(1)) are each amended
22 by striking “by the Office” and inserting “by the In-
23 stitute”.

24 (9) Section 9529(b) is amended by striking
25 “section 404(a)(6) of the National Education Statis-

1 tics Act of 1994” and inserting “section 153(a)(5)
2 of the Education Sciences Reform Act of 2002”.

3 (e) SCHOOL-TO-WORK OPPORTUNITIES ACT OF
4 1994.—Section 404 of the School-to-Work Opportunities
5 Act of 1994 (20 U.S.C. 6194) is amended by inserting
6 “(as such Act existed on the day before the date of enact-
7 ment of the Education Sciences Reform Act of 2002)”
8 after “Act of 1994”.

9 **SEC. 405. EFFECTIVE DATE.**

10 This Act and the amendments made by this Act shall
11 take effect on October 1, 2002.

12 **SEC. 406. SEVERABILITY.**

13 If any provision of this Act, or the application of such
14 provision to any person or circumstance, is held invalid,
15 the remainder of this Act, or the application of such provi-
16 sion to persons or circumstances other than those as to
17 which the provision is held invalid, shall not be affected
18 thereby.

19 **SEC. 407. ORDERLY TRANSITION.**

20 The Secretary of Education shall take such steps as
21 are necessary to provide for the orderly transition to, and
22 implementation of, the offices, boards, committees, and
23 centers (and their various functions and responsibilities)
24 established or authorized by this Act, and by the amend-
25 ments made by this Act, from those established or author-

1 ized by the Educational Research, Development, Dissemi-
2 nation, and Improvement Act of 1994 (20 U.S.C. 6001
3 et seq.) and the National Education Statistics Act of 1994
4 (20 U.S.C. 9001 et seq.).

○